

Updated: April 2020

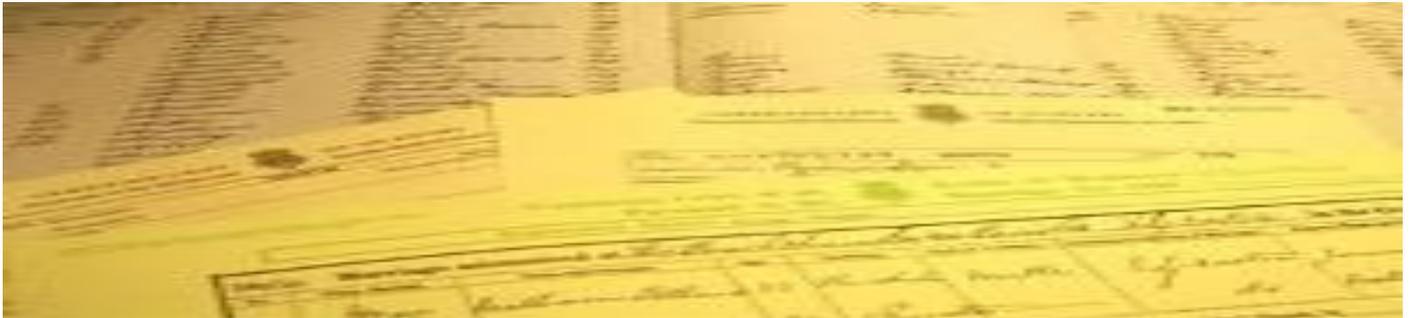
## Diploma in Funeral Arranging and Administration

<b>Module 3</b> <b>ENGLAND &amp; WALES</b>	<b>Unit 7</b>	<b>Registration of Death and Coroners Procedures</b>
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Purpose and Aim of the Unit:	The purpose of the unit is to develop learners' understanding of Registration and Coroners' procedures. Specifically, the unit aims to develop knowledge of the relevant requirements for Registration of Death and the role of the Coroner including associated documentation.
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This unit has 8 learning outcomes.

<b>LEARNING OUTCOMES</b>	
The learner will:	
1	Understand the function of the Registrar.
2	Understand the requirements of Registering a Death.
3	Understand the relevance of the Medical Certificate of Cause of Death.
4	Understand the documentation used by the Registrar.
5	Understand the Registrar's duty to report a death
6	Know the purpose of the Coroner's Office.
7	Understand the procedures for a Coroner's removal of the deceased.
8	Understand the purpose of the Coroner's documentation. <i>Note: reference to Coroner documentation is contained within the Coroner related content throughout the document and is not restricted to information contained within Learning Outcome 8.</i>



## REGISTRATION OF DEATHS IN ENGLAND AND WALES

### Changes in place due to Covid 19 (Coronavirus) with effect from 24 March 2020 until further notice.

*The process for certifying deaths has changed during the coronavirus outbreak. In England and Wales, the Coronavirus Act 2020 makes changes to the requirements for death certification to recognise that the doctor who saw the patient during their last illness may be unable to sign the certificate or it might be impractical for them to do so - for example, if they are self-isolating.*

#### **Who can sign a Medical Certificate of Cause of Death?**

*If practicable, the practitioner who attended the deceased during their last illness should complete the medical certificate of cause of death (MCCD), as was the case previously.*

*The updated guidance for doctors on completing medical certificates of cause of death in England and Wales states: "There is no clear legal definition of attended", but it is generally accepted to mean a doctor who has cared for the patient during the illness that led to death and so is familiar with the patient's medical history, investigations and treatment. For the purposes of the emergency period, the attendance may be in person, via video/visual consultation, but not audio (e.g. via telephone). The certifying doctor should also have access to relevant medical records and the results of investigations.*

*The guidance goes on to state that where the certifying doctor has not seen the deceased before death, they should delete the words 'last seen by me'. If the patient was seen by another medical practitioner within the last 28 days, but not the certifying doctor, that doctor's name should be included on the MCCD.*

#### **What if a Doctor didn't see the patient before death?**

*The Act also allows an MCCD to be completed if a patient was not seen by any medical practitioner during their last illness. If that happens, a doctor would need to state to the best of their knowledge and belief the cause of death. Guidance from NHS England and NHS Improvement states that a doctor intending to complete the MCCD should obtain agreement from the coroner that they can do so. It remains the case that if there is no doctor at all who can give a cause of death then the death will still need to be referred to the coroner in the usual way.*

*COVID-19 is now an acceptable 'direct' or 'underlying' cause of death for the purposes of the MCCD and although COVID-19 is a notifiable disease, this does not mean that deaths from COVID must be reported to the coroner.*

*Registrars will now accept scanned or photographed copies of the MCCD forwarded from a secure email account (such as nhs.net). An original, signed MCCD should be securely retained for delivery to the registrar as soon as circumstances allow.*

***What does it mean for relatives trying to register a death?***

*MCCDs completed under the new arrangements will be accepted by the Registrar of births deaths and marriages. It means the death can be registered without automatically having to refer the death to the coroner (as was the case previously) provided the deceased has been seen by a doctor within the last 28 days. Even where the deceased has not been seen within the last 28 days, if the coroner agrees that a doctor can complete an MCCD then the relatives should be able to register the death.*

***The registration***

*Permission is granted to remove the requirement for a death or still-birth informant to attend and provide details in person and the requirement for them to sign the register where a local authority can no longer offer face to face service registrations or where this is needed by way of additional contingency.*

*This will enable the information for the registration to be collected by telephone. When registering by telephone, in the signature box (space 8 of the death entry) registrars should record the full name of the informant followed by the words 'information given by telephone' (the same wording should be used for still-birth registrations).*

*It is possible for telephone registration to be undertaken from the office or remotely and each authority should direct on practice for their area.*

***Qualified informants***

*The list of qualified informants is temporarily extended to include a funeral director (where they are acting on behalf of the family)*

*Funeral directors are an addition to the existing list of qualified informants rather than a replacement, family members are still allowed (and may be preferred).*

*Where a funeral director does act as informant their designation shall be recorded as "Causing the body....." and the words 'Funeral Director' should be recorded after their surname, in the informant surname field.*

## REGISTRATION OF DEATHS E/W - Post Covid-19

<b>Learning Outcome 1</b>	<b>Understand the function of the Registrar.</b>
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In 1538 the Lord Chancellor, one Thomas Cromwell, made an attempt to require persons to keep records of baptisms, marriages and burials, however, it was not until 1597 that an Act of Parliament identified the importance of Parochial Registers and directed that parchment copies of each should be sent annually to a Diocesan Registrar, thereby establishing an important feature of today's registration service, namely the keeping of a second copy of all records in a separate place.

Funeral Directors should be in a position to offer guidance to their clients on how to register a death. This information covers the procedures to follow and the documentation you will need. Every Funeral Director should check with their local register office regards location, contact details, opening hours and whether an appointment is required.

<b>Learning Outcome 2</b>	<b>Understand the requirements of Registering a Death.</b>
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### LEGISLATION

The Births and Deaths Registration Act 1953 sets out the requirement to register deaths and who should do it. The Registration of Births and Deaths Regulations 1987 detail the information required to be given by various parties and the forms for completion.

### PERIOD FOR REGISTRATION

The Births and Deaths Registration Act 1953 requires that the death and cause of death of any Person dying in England and Wales should be registered in the sub-district of death within five days of the event. This is provided that the death has not been investigated by the Coroner.

Registration can be delayed for another nine days if the Registrar is told that a MCCD has been issued. If the death has been reported to the Coroner, it cannot be registered until the Coroner's investigations are finished. Where death has not been registered within the prescribed period, the Registrar may issue written notice to a qualified informant to attend within seven days to twelve months of that notice to register the death. The requirement of that party to attend lapses if someone else registers, or an inquest is held. This provision permits such an informant to do their best as regards the information required. Where more than twelve months have expired since the death or finding of the body, the written authority of the Registrar General is required for registration to take place.

### **WHO IS QUALIFIED TO ACT AS AN INFORMANT?**

There are different lists of who might register a death according to two broad categories:

- Death in a house (which is taken to include communal establishments, these being places such as hospitals, nursing homes, boarding schools, houses of religious orders etc.)
- Death not in a house, or where a body is found

In either case there is a decreasing table of proximity to the deceased person, starting with the ideal informant which would be a relative present at the death and ending with the "person causing the disposal". This last option would extend to a council officer arranging the funeral under contract or perhaps to a friend or neighbour. This ensures that the death can be registered.

### **Informants for deaths in houses:**

- any relative of the deceased person present at the death or in attendance during his or her last illness;
- any other relative of the deceased;
- any person present at the death;
- the occupier of the house if he/she knew of the happening of the death;
- any inmate of the house who knew of the happening of the death (an "inmate" in this context is not defined but historically it seems it referred to the days of poor houses where an occupier lived on site and inmates could register the occupier's death); or
- the person causing the disposal of the body.

Guidance from the General Register Office is that in cases of doubt over qualification to register, advice should be sought from the Register office in question. Where death has not occurred in a house the list is shorter, but the principle is the same, ending with the “personal causing disposal”, enabling the death to be registered. The requirement is still to register within five days, except that in this case there is an allowance for this to be within five days of the “finding of the body”, rather than necessarily of the death itself.

**Informants for deaths in other locations:**

- any relative of the deceased who has knowledge of any of the particulars required to be registered concerning the death;
- any person present at the death;
- any person finding or taking charge of the body; or
- any person causing the disposal of the body.

**HOW TO REGISTER**

An appointment should be made with a Registrar in the sub-district where death occurred. Although registration might be made without appointment, the Funeral Director should advise the client to make an appointment, or make this on their behalf. Where resources permit, Funeral Directors’ might even provide transport for clients to register.

**Learning Outcome 3**

**Understand the relevance of the Medical Certificate of Cause of Death.**

The only document that must be taken to the Registrar is the MCCD. Under the Births and Deaths Registration Act 1953, Section 22, the registered medical practitioner who attended the deceased during their last illness shall be the person who signs and issues the MCCD.

“Attended” is not defined but is taken as having cared for the patient in the illness leading to death and familiarity with the history and treatment of that illness. Within 14 days prior to death is the accepted period, but it might be longer with consent from the Coroner who in such a case will have issued Form 100a. It is worth noting that where a deceased person has died in hospital, there may have been a number of doctors who attended them during their last illness. It is ultimately the responsibility of the Consultant in charge of the patient’s care to ensure their death is properly certified.

Where more than one General Practitioner had been involved in the deceased person’s care, each is able to certify death. If no doctor who has attended the deceased person during the 14 day period can be found, the death must be referred to the Coroner.

In summary, a Doctor will normally issue the MCCD when:

- he/she is a registered Medical Practitioner - even if only provisionally registered;
- he/she was in attendance during the last illness - in practice this is within 14 days;
- he/she knows the cause of death; or
- he/she does not consider it a case that requires referral to the Coroner.

It is helpful, but not essential, for the following documents also to be taken in respect of the deceased (not the informant):

- Birth certificate
- Council Tax bill
- Driving licence
- Marriage or civil partnership certificate
- NHS medical card
- Passport
- Proof of address (e.g. utility bill)

**Learning Outcome 4**

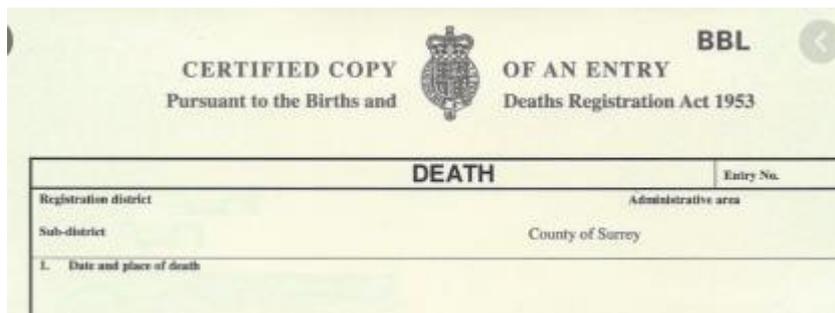
**Understand the documentation used by the Registrar.**

**INFORMATION REQUIRED BY THE REGISTRAR**

The Registrar will require the following information for the deceased person:

- their full name;
- their gender;
- their marital status;
- any names previously used, e.g. maiden name;
- their date and place of birth;
- the date and place of death;
- their usual address;
- their occupation (unless a child under 16, in which case “son/daughter of ” is entered with the name and occupation of the mother and, if given, father);
- the full name, date of birth and occupation of a surviving or late spouse or civil partner; and
- whether they were getting a State Pension or any other benefits.

**WHAT THE REGISTRAR ISSUES**



The Registrar will issue the following documents:

- Registrar’s Certificate for Burial or Cremation (green document, consisting of 3 Parts, Part A retained by the issuing Registrar, parts B and C provided to the Funeral Director who will deliver this to the relevant authority prior to the funeral. Within 90 hours of the burial or cremation taking place, part C to be returned to the issuing Registrar).
- Upon request: a Certified Copy of an Entry of Death. It may be appropriate to advise clients on how many of these to get. The cost is revised periodically and the Funeral Director should ensure they are aware of the current cost so they may advise their client. One cost applies at the time of

registration. In some areas one copy is given at no charge.

Copies may continue to be obtained from the office of registration. Application may also be made to the General Register Office, but the cost and time taken to obtain copies will increase.

- a Certificate of Registration of Death (form BD8) - for completion where the deceased was receiving a State Pension or benefits and accompanied by a pre-paid envelope this will only be issued where the Registrar does not offer a "Tell us once" service.

### **TELL US ONCE SERVICE**

Some Registrars will also, after the registration is complete, assist informants with the Tell Us Once service. This is an online facility designed to enable those registering a death to notify a variety of government agencies on a single occasion. The Registrar will register the informant onto the system and provide a unique reference number for the informant to use on the website (or telephone service). Data is entered regarding organisations the deceased would have had contact with, who are then notified of the deceased person's passing.

The following information is required to use the service:

- Tell Us Once reference number
- The Certified Copy of An Entry
- The name of the council where the deceased person was resident

The following is also useful information to have to hand:

- The deceased person's National Insurance number
- The deceased person's town and country of birth
- The next of kin's name, address and telephone number
- The deceased person's husband, wife or civil partner's name, date of birth and/or national insurance number
- Detail of any benefits the deceased was receiving
- The deceased person's driving licence
- The deceased person's passport

Depending on the case the following agencies may be notified:

- Local councils
- Identity and Passport Service

- Driver and Vehicle Licensing Agency
- Department for Work and Pensions
- Ministry of Defence/Service Personal and Veterans Agency
- HM Revenue and Customs

A Registrar's Certificate for Burial or Cremation before registration may also be issued in order that burial or cremation may proceed where the informant is unable at that time to attend the Registrar. Written notice of the death must be given, accompanied by the MCCD. The Registrar must be satisfied that there is no need to refer the death to the Coroner, or the death must have been referred to the Coroner and the Coroner have concluded his or her investigation and not issued a certificate either for burial or cremation. Where the death has not been registered within 14 days of death the Registrar should make efforts to contact a possible informant. Not all Registrar's services will issue a certificate before registration.

It is important that all documentation has continuity in the information they provide. For example, where an informant has provided the Registrar with a date and time of death (e.g. 1 January at 11:30pm) but the doctor who attended the deceased person completed the MCCD giving another date and time (e.g. 2 January at 06:30am) this must be clarified before submitting the paperwork to any burial or cremation authority. If such a discrepancy is noticed by any authority and the paperwork returned, a call to the Registrar requesting they amend their Registrar's Certificate for Burial or Cremation would be advised

### **REGISTRATION BY DECLARATION**

Where death occurs in a district some distance from the informant able to register it, provision exists for that informant to effect registration without travelling to that district. With the agreement both of their local Registrar and that for the district of death, the informant can attend locally.

For preference, the MCCD is taken by the informant to their local Registrar. If it has been sent to the Registrar in the district of death, a copy is scanned to the local Registrar.

The informant provides all the usual information to the local Registrar who records the information on a Form 400 which is signed by the informant and local Registrar. The local Registrar then sends it to the



registering district, accompanied by the MCCD and fees for purchase of Certified Copies of Entry. Fees are payable to the registering district. If cheques are not accepted the Registrar in the district of death may contact the informant for payment by other means.

The Registrar in the district of death then completes registration and posts the Registrar's Certificate for Burial or Cremation, BD8 and Copies of the Certified Copy of an Entry to a party or parties nominated by the informant.

The Funeral Director should make the client aware that use of this process may necessitate a slightly later funeral date to allow the Registrar's Certificate for Burial or Cremation to be received.

**Learning Outcome 5**

**Understand the Registrar's duty to report a death**

**POWERS AND DUTIES OF CORONERS:**

The office of Coroner dates from Saxon times and has evolved down the centuries. Generally, the Coroner has been, and is, one who acts on behalf of the Crown in legal matters connected with disaster and property rights, treasure trove, shipwreck and the like, thus leading to the investigation of the many deaths which occurred at such a time. Having complete jurisdiction over all sudden and unexplained deaths was a natural extension of his/her powers and this forms the main part of his/her work today.

Originally the Coroner was named 'Coronae Curia Regis'- 'the keeper of the royal pleas'. Today, the correct title of the Coroner is - 'Her Majesty's Coroner for ....' usually the whole or part of a local Authority area, e.g. 'Her Majesty's Coroner for Swindon.'

The main duties of the Coroner today are:

- i. to investigate all sudden and unexpected deaths,
- ii. to investigate all deaths that happen abroad where the body is repatriated to the United Kingdom,
- iii. to give permission to remove bodies out of England and Wales,
- iv. to act for the Crown in respect of Treasure Trove.

The Coroner usually has a legal background and is not infrequently a Solicitor, he/she can also be a Doctor with a legal background, and is occasionally both. Although the local Authority supply the Coroner Service, paying all costs, including the costs of removals by the Funeral Directors acting on behalf of the Coroner, the Coroner is not employed by the authority, being only answerable to the Crown in the person of one of Her Majesty's Secretaries of State, namely the Home Secretary.

The Coroner Service is administered by the Coroner who is assisted by a Deputy, as the service has to be available at all times. In the major jurisdictions a Coroner may have a Coroner's Court, offices and a public mortuary all in one facility, however, most Coroners operate from Solicitors' offices or the like, using Local Authority or hospital mortuaries. In addition to having clerical help,

the Coroner is assisted by a Coroner's Officer or Officers. Normally the Coroner's Officer is a Police Officer seconded to the Coroner Service working on a full time basis - in plain clothes, however, in more rural areas it can be any Police Officer on duty. With the increasing civilianisation of many areas of police work, the office is often held by a retired Police Officer or other civilians with some legal background.

The Coroner's Officer assists by taking statements from witnesses, carrying out investigations required by the Coroner, arranging for the removal of the deceased to the appropriate mortuary and generally liaising between the family, pathologist, Funeral Director and Coroner.

### **REGISTRAR'S DUTY TO REPORT A DEATH TO THE CORONER**

The law lays the duty of reporting a death to the Coroner to the Registrar for the sub- district in which the death occurred, however, it also says that any person about the deceased who has any knowledge which leads them to believe that the death should be reported, must do so. This can include the family, neighbours, friends, the police, the Doctor, the Funeral Director, the embalmer and indeed anyone else involved with the death and disposal of the deceased.

In addition to the above the following must be reported to the Coroner:

- i. Deaths which occur in prison.
- ii. Deaths which occur in police custody.

The death of a foster child is usually reported, as is also the death of an in-patient in a Psychiatric (Mental Health) Hospital.

The Coroners Act 1988, which extends to England and Wales only, states in Chapter 3 that a Coroner has a duty to hold an inquest 'where a coroner is informed that the body of a person lying within his/her district and there is reasonable cause to suspect that the deceased:

- a) has died a violent or an unnatural death;
- b) has died a sudden death of which the cause is unknown; or
- c) has died in prison or in such a place or in such circumstances as to require an inquest under any other Act, then, whether the cause of death arose within his/her district or not, the Coroner shall as soon as practicable hold an inquest into the death of the deceased either with or, subject to sub Chapter (3), without a jury.'

Chapter 14 of the same Act continues the arrangement whereby inquests may be held in districts other than that in which the body lies, sub-Chapter (i) providing that:

If it appears to a Coroner that, in the case of a body lying within his/her district, an inquest ought to be held into the death but it is expedient that the inquest should be held by some other Coroner, he/she may request that Coroner to assume jurisdiction to hold the inquest, and if that Coroner agrees he/she, and not the Coroner within whose district the body is lying, shall have jurisdiction to hold the inquest.

The purpose of this is to avoid having to move a deceased person who has died outside the jurisdiction where, for example, a mass disaster has taken place. There will be an inquest by one Coroner into all the deaths notwithstanding one or more may have died outside his/her jurisdiction. Provision exists for the Registrar to decline registration. The grounds for such refusal are set out by the Births & Deaths Regulations 1987, which also provide that the Registrar shall report a case, which he or she believes another party should have reported, or satisfy him or herself that such a report was made.

Circumstances which require the Registrar to make a report are set out in the Regulations as follows.

The Registrar shall report deaths:

- in respect of which the deceased was not attended during his last illness by a registered medical practitioner; or in respect of which the Registrar:
  - has been unable to obtain a duly completed certificate of cause of death, or
  - has received such a certificate with respect to which it appears to him, from the particulars contained in the certificate or otherwise, that the deceased was not seen by the certifying medical practitioner either after death or within 14 days before death; or
- the cause of which appears to be unknown; or
- which the Registrar has reason to believe to have been unnatural or to have been caused by violence or neglect or by abortion or to have been attended by suspicious circumstances; or
- which appears to the Registrar to have occurred during an operation or before recovery from the effect of an anaesthetic; or
- which appears to the Registrar from the contents of any medical certificate of cause of death to

have been due to industrial disease or industrial poisoning.

The Registrar is bound not to register any death which has been reported to the Coroner until such time as he or she has received a certificate after inquest or a certificate stating that no inquest is to be held.

#### **Registration after no post-mortem or inquest**

If the Coroner determines that no post-mortem or inquest is required, the body is released and Form 100a issued to the Registrar. The doctor will then issue the MCCD.

#### **Registration after post-mortem without inquest**

If the Coroner notifies the Registrar using Form 100b, within 12 months of the death, that no inquest is required, the Registrar must register the death in the presence of a qualified informant, seeking all the usual particulars. Where the cause of death has been specified in the Coroner's notification it must be recorded by the Registrar in precisely the same terms.

#### **Registration after Inquest**

Where the Coroner notifies the Registrar using Form 99 that an inquest has been completed, the Registrar enters the details exactly as given, entering the Coroner as informant and giving the date of the inquest. No informant's signature.

**Learning Outcome 6**

**Know the purpose of the Coroner's Office.**

**THE WORK OF THE CORONER**



The role of the Coroner was established in 1194, with the primary duty of collecting revenue for the Crown from events which might merit it, including deaths. Over time, the tax collecting duties took a back seat to the Coroner's role in investigating deaths.

The Coroners & Justice Act 2009 introduced the office of Chief Coroner. A Coroner must be a qualified barrister, solicitor or a Fellow of the Chartered Institute of Legal Executives (CILEX) with at least five years' qualified experience.

The Chief Coroner has right of approval over all Coroner appointments, the hierarchy of which is:

1. Senior Coroner
2. Area Coroner
3. Assistant Coroner

Each Coroner's area (formerly district) has a Senior Coroner, with Area and Assistant Coroners as required. They are funded by local authorities and may appoint officers to assist them as may be required. These are provided by the local authority unless this is done by the relevant Police authority.

It is important to note that the work of the Coroner's officers is solely administrative. They have no judicial authority. Any decision to carry out a post-mortem examination will be made by the Coroner.

**Learning Outcome 7**

**Understand the procedures for a Coroner's removal of the deceased**

**WHAT HAPPENS WHEN DEATHS ARE REPORTED?**

The Coroner notes the date on which he or she was notified of the death, as this is significant for the timing of later events.

Two things can happen once a death is reported to the Coroner:

1. Pre-Investigation Enquiries.
2. A Coroner's Investigation, with or without inquest.

The 2009 Act introduced the concept of a Coroner's Investigation. Not all deaths which are reported to the Coroner will become the subject of a formal investigation.

The pre-investigation enquiries, which may include a post-mortem examination, are held to determine whether formal investigation is merited. Such an investigation must take place if the Coroner has reason to suspect that:

- the deceased person died a violent or unnatural death
- the cause of the death is unknown; or
- the deceased person died while in custody or state detention. "State detention" in this context refers to compulsory detention under the auspices of a public authority. This can include parties in immigration centres and secure psychiatric institutions. Deaths in state detention will always be subject to an inquest. It follows from this that an inquest can be held into a death without a post-mortem examination taking place (for example where death takes place from natural causes while in custody).

Provision also exists for the Coroner to investigate deaths where the body has been lost or destroyed, as well as for the transfer of cases between Coroner Areas, either at the behest of a Coroner, or under the direction of the Chief Coroner. Where there is concern about the death, such as the care and treatment received by the deceased person prior to death or cause of death is unknown, the Coroner will investigate in the normal way.

## PRE-INVESTIGATION ENQUIRY

Preceding an investigation are preliminary enquiries. The purpose of these is to determine whether the Coroner has a duty to investigate the case. A post-mortem examination may form part of these preliminary enquiries. If such enquiries lead the Coroner to conclude that the case meets the criteria above, the investigation commences at that point.

If the preliminary enquiries conclude that there is no duty to carry out an investigation the body may be released and either of the following forms is issued to the registrar:

- Form 100a: Notification to the registrar by the coroner that he does not consider it necessary to hold an inquest: no post-mortem held
- Form 100b: Notification to the registrar by the coroner that he does not consider it necessary to hold an inquest: post-mortem held

If Form 100a is issued, it supports a Medical Certificate of Cause of Death issued by an attending doctor with the agreement of the Coroner.

If Form 100b has been issued and the funeral instruction is for cremation the Coroner will also issue Form 6: Certificate of Cremation. **This will be done even if there is no investigation.** The registrar will not issue a Certificate for Burial or Cremation if Cremation 6 is issued by the Coroner.

## INVESTIGATION

On commencing the investigation, the Coroner must attempt to identify the personal representative or next of kin of the deceased person and notify them of this decision if this has not already been done where a post-mortem examination was carried out. The Coroner may also notify other interested parties. The definition of an interested party is fairly broad and includes people such as the Police, trades union and insurance beneficiaries, as well as other family members. Further tests, such as the study of human tissue or tests for toxic substances for example, poisons or drugs, may be carried out. If the Coroner concludes that the body itself is no longer required it may be released before these tests take place. The Coroner may, on request, issue the personal representative or next of kin with Form 1: Coroner's Certificate of Fact of Death (often referred to as the interim certificate) at this point. This sets out the name, address, date and cause of death (if known) of the

deceased and is signed by the Coroner and is required by the personal representative to administer the estate of the deceased. If natural causes are determined by the post-mortem the Coroner may either:

- discontinue the investigation
- notify the personal representative or next of kin using Form 2: Notice of Discontinuance, which explains the reasons for that decision
- notify any interested person of the decision and reason for it in writing, if requested to do so issue Form 100b, when there is no inquest, to the registrar
- open an inquest, if further investigation is merited by the circumstances (e.g. neglect), which would be opened as soon as practicable
- the family should be notified of the date of the opening, as should other interested parties
- a date is given for further hearings, where possible

If the post-mortem result is inconclusive the Coroner may:

- request additional examinations;
- make further enquiries;
- release the body itself, if it is not required (but Form 100b cannot yet be issued),
- Issue Form 3 Order for Burial or Cremation Form 6

**Learning Outcome 8**

**Understand the purpose of the Coroner's documentation.**

**FORMS ISSUED BY THE CORONER**

99: CERTIFICATE AFTER INQUEST	This is issued by the Coroner direct to the registrar once the inquest has concluded. The registrar effects registration and the family can apply for copies of the entry if they wish
100A: NOTIFICATION TO THE REGISTRAR BY THE CORONER THAT HE/SHE DOES NOT CONSIDER IT NECESSARY TO HOLD AN INQUEST: NO POST-MORTEM HELD	Issued to the registrar where the registered medical practitioner has satisfied the coroner that he/she can certify the cause of death. The informant then collects the Medical Certificate of Cause of Death and registers in the normal manner.
100B: NOTIFICATION TO THE REGISTRAR BY THE CORONER THAT HE/SHE DOES NOT CONSIDER IT NECESSARY TO HOLD AN INQUEST: POST-MORTEM HELD	Issued to the registrar when a post-mortem examination has been held and has revealed the death to be due to natural causes so no inquest need be held. The informant may then attend the registrar.
CREMATION 6: CERTIFICATE OF CORONER	Issued when a post-mortem examination has been held and the family request cremation. Also issued for cremation following repatriation to the UK. In rare circumstances the Coroner may issue a Cremation 6 without a post-mortem taking place. This might be where there is to be an inquest but the cause of death has been established by other means, such as a CT scan of a brain injury, or a known diagnosis of Mesothelioma.
FORM 3: ORDER FOR BURIAL (FORMERLY FORM 101: CORONER'S ORDER FOR BURIAL)	Issued when an inquest has been opened and the family have requested burial.
FORM 1: CORONER'S CERTIFICATE OF FACT OF DEATH (ALSO KNOWN AS INTERIM CERTIFICATE OF FACT OF DEATH)	Issued after the inquest has been opened and adjourned. As the family cannot register this document states the fact and cause of death and is usually sufficient for the family to administer the estate.
FORM 2: NOTICE OF DISCONTINUANCE	Issued when the Coroner ends, or is instructed to end, an investigation.
120: CORONER'S CERTIFICATE AFTER INQUEST ADJOURNED	Issued when a case is committed to Crown Court (not at the end of the trial); the Coroner adjourns his/her inquest and sends notification to the registrar in order that the family can obtain a Certified Copy of an Entry.
121: CORONER'S CERTIFICATE	Issued following the outcome of criminal proceedings. The coroner may consider resuming the inquest, depending on the outcome (e.g. if the trial was abandoned and no verdict reached or the offender dies before trial).
103: FORM OF ACKNOWLEDGMENT BY THE CORONER (ALSO KNOWN AS THE 'OUT OF ENGLAND')	Issued by the Coroner on receipt of Form 104 (issued by the Funeral Director) notifying intention to remove a deceased person from England and Wales.
FORM 4: DIRECTION TO EXHUME (ALSO KNOWN AS THE CORONER'S WARRANT TO EXHUME)	Issued when the Coroner decides it is necessary to exhume interred remains for the purposes of a post-mortem examination, criminal proceedings or in connection with the related death of another party.

**No Post-Mortem Required**

If the Coroner has been informed and no post-mortem is required, Form 100a is issued to the Registrar alongside the Medical Certificate of Cause of Death issued by an attending doctor.

**Post-Mortem Required No Inquest**

If the Coroner conducts a post-mortem, and cause of death is identified as natural causes, Form 100b is issued to the Registrar the Coroner and will discontinue the investigation. The Coroner can also issue Form 2 Notice of Discontinuance.

**Post-Mortem and Inquest Required**

If a post-mortem has been conducted and a further investigation is required, the Coroner will issue Form 1: Coroner's Certificate of Fact of Death (interim certificate), where requested. An inquest will be opened if the death is violent or unnatural, or an inquest is required for another reason. Investigations may be suspended. Usually this would be in the event or likelihood of criminal proceedings, or if an official Enquiry is to be held under the Inquiries Act 2005. If the investigation resumes, so must any inquest. If a case is committed to Crown Court, Form 120: Coroner's Certificate After Inquest Adjourned, is issued. The personal representatives may then obtain Certified Copies of the Entry of Death. If the investigation does not resume, Form 121 Coroner's Certificate, is issued to the registrar, giving notification of non-resumption. This is where the trial has led to an outcome. If it has not (for example if it was abandoned or the defendant died), the Coroner may resume the inquest, in which case Form 99: Certificate after Inquest would be issued at its end. The Coroner can issue Form 2: Notice of Discontinuance if an investigation is ended.

#### **Post Mortem Required and Next of Kin Notified (Post-mortem inconclusive)**

If the post-mortem is conducted and the results are inconclusive the Coroner can request additional examinations and release the body if it is not required. Form 1: Coroner's Certificate of Fact of Death (interim certificate) will be issued alongside Form 3: Order for Burial or Cremation Form 6 which will enable the funeral to take place.

#### **INQUESTS**

Since the 2009 Act, the focus is more on the investigation and what it reveals than on the inquest itself. Where a Coroner decides to hold an inquest, its terms are closely circumscribed, limiting it to determining:

- who the deceased was;
- how, when and where the deceased came by his or her death; and the particulars required by the Births and Deaths Registration Act 1953 to be registered concerning the death.

The determination of how the deceased came by his or her death may be expanded to cover the circumstances around the death if Article 2 of the European Convention on Human Rights (which provides the right to life) may be affected. The Coroner may also issue a report in the interests of preventing further such deaths and recommending that action be taken (though not what action). The inquest should be opened as soon as practicable after the Coroner determines it is required.



Personal representatives or next of kin and other interested parties are to be notified of the date on which it is to be held.

The inquest should be completed within six months of the Coroner being made aware of the death, or as soon as practicable afterwards. On completion of the inquest, Form 99: Certificate After Inquest is issued to the Registrar and the family may apply for Certified Copies of an Entry of Death.



