

Coronavirus Act 2020: Managing the Deceased

Medical Certificate Cause of Death

Current Position

If the doctor who has completed the Medical Certificate Cause of Death (MCCD) has not seen the deceased after death or within 14 days of the death, the registrar must report the death to the coroner. The death must be reported even if it was due to natural causes, which would include coronavirus.

New Provisions: MCCD

1. The period for the doctor to have seen the patient before death will be extended from 14 to 28 days.
2. A doctor will be able to certify death irrespective of whether they were in medical attendance during the deceased's last illness if:
 - a) A doctor who has seen the deceased within the last 28 days is unavailable; and
 - b) The medical practitioner is able to state the cause of the death to the best of their knowledge.
3. Deaths will not need to be reported to the coroner even where the medical practitioner has not seen the deceased before death as long as there is no uncertainty over the cause of death or there are other circumstances that require investigation.

What Does This Mean for You?

1. For deaths in hospital, the provisions are unlikely to make much difference, as the deceased will have been seen by a doctor within the last 14 days and there will be an attending doctor available to complete the MCCD.
2. In all other settings, any doctor who has seen the deceased within the last 28 days will be able to complete the MCCD.
3. If no doctor has seen the deceased within the last 28 days, the MCCD can be completed by a doctor who was not in attendance at all during the last illness provided they can state the cause of death to the best of their knowledge and belief.

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Referring Deaths to the Coroner

The Chief Coroner has confirmed that:

1. COVID-19 is an acceptable cause or underlying cause of death for the MCCD.
2. COVID-19 as a cause or an underlying cause of death is not a reason to report the death to the coroner on its own.
3. The fact that COVID-19 is now a Notifiable Disease, does not mean that referral to the coroner is required.

What Does This Mean for You?

There is no requirement to refer deaths that are clearly caused by COVID-19 to the coroner, although they should be reported to Public Health England.

If the cause of death is in doubt or there are other circumstances that require investigation then the death should be reported to the coroner as usual in accordance with the Notification of Death Regulations 2019.

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Cremations

Current Position

Applications for cremation of a person whose death is not being investigated by the coroner require the deceased's attending medical practitioner to complete a medical certificate (Cremation Form 4), and a confirmatory medical certificate (Cremation Form 5) which must be completed by an independent registered medical practitioner.

New Provision

There will be no requirement for the confirmatory medical certificate (Cremation Form 5). The crematorium Medical Referee will be permitted to proceed with the cremation on the basis of Cremation Form 4 only to simplify and expedite the process.

What Does This Mean for You?

This will reduce the administrative burden on medical practitioners, as the medical certificate will be sufficient for a creation to proceed.

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Suspension of Requirement for a Jury Inquest

Current Position

The Coroners and Justice Act 2009 requires that, in any inquest into a death caused by a Notifiable Disease, the coroner must summons a jury. Coronavirus (COVID-19) has been designated as a notifiable disease and would therefore engage the need for a jury.

New Provision

The mandatory requirement for a jury will be disappiled in relation to inquests into coronavirus deaths for the duration of the emergency period.

Coroners will still have a discretion to summons a jury if they consider it appropriate.

What Does This Mean for You?

It is unlikely that any death due to coronavirus is going to lead to a jury inquest.