



LAW OFFICERS OF THE CROWN

Guidance for Medical Practitioners: **Completing Medical Certificates of the Cause of Death (“MCCD”) & Applications for Cremation during the Covid-19 Pandemic**

Effective from 23rd January 2021, Issued 25th January 2021

Introduction

This document provides guidance to medical practitioners in respect of the completion of the MCCD (also known as “Form C” in Guernsey or Sark, or “Form A” in Alderney) and certificates of medical attendance for cremation applications.

In light of the spread of Severe Acute Respiratory Syndrome Coronavirus 2, the virus causing the disease COVID-19, and the measures necessary to prevent or slow the spread of infection, as well as a variant(s) of the virus having been detected in the UK which may impact on the Bailiwick, the Civil Contingencies Authority (having consulted the Medical Officer of Health in respect of the risk to public health) has made emergency regulations to modify temporarily in respect of the requirements for MCCDs and certificates of medical attendance for cremation applications: the Loi relative à l'Enregistrement des Naissances et Décès dans le Bailliage de l'Île de Guernesey (the “1935 Law”), which applies in Guernsey and Sark; the Loi relative aux certificats de Décès et aux Enterrements of 1910 (the “1910 Law”), which is applicable in Alderney; and The Cremation Ordinance, 1972, (the “1972 Ordinance”).

These procedures will take effect from **23rd January 2021** until further notice.

For the avoidance of doubt, this modified procedure applies to all deaths, not just those caused by COVID-19, and lasts until further notice.

These measures temporarily modify procedures in relation to the registration of deaths and still-births in Guernsey, Sark and Alderney and in relation to cremations in Guernsey. These amendments are to remove requirements for things to be done in person and to simplify procedures relating to registration of deaths, still-births and cremations during the current emergency situation. This relaxation is in keeping with the position in England where similar provisions have been effected under The Coronavirus Act 2020.

Completion Guidance

1. COMPLETION OF MCCD (FORM C OR FORM A IN ALDERNEY)

1.1 Article 11 of the 1935 Law, which applies in Guernsey and Sark and which requires the medical practitioner who personally attended the deceased during their last illness to sign the MCCD, and the corresponding MCCD/Form C of the 1935 Law is modified, as is Form A of the 1910 Law, which applies in Alderney.

1.2 During the period that the emergency regulations are in place, in all islands the following modifications to the usual procedure apply:

1.2.1 A registered medical practitioner ("Doctor A") who is not the practitioner who attended the deceased person during the deceased's last illness may sign Form C (Form A in Alderney) if the practitioner who attended the deceased ("Doctor B") is *unable* to do so or if it is *impractical* for Doctor B to sign the certificate *and* Doctor A is able to state the cause of death to the best of their knowledge and belief (for instance, where Doctor A and Doctor B are working in the same hospital or medical practice and have access to the same patient records). Note that in this case, Doctor B must have attended the deceased within 28¹ days of the deceased's death or have viewed the deceased's body; or

1.2.2 A registered medical practitioner ("Doctor C") may sign the MCCD/ Form C (Form A in Alderney) if he or she is able to state, to the best of his or her knowledge and belief, the cause of death and has attended the deceased within 28 days of the date of the deceased's death, but without either: (a) needing to see the deceased's body; or (b) requiring a second registered medical practitioner ("Doctor D") to see the body and complete the Certificate on Form C/ the MCCD (or on Form A in Alderney).

1.3 Attendance before death can also be by video or Skype, or Teams, or Zoom or other video link, but cannot be solely audio, such as by telephone.

1.4 Reasons for it being *impractical* (as set out in 1.2.1) for the attending medical practitioner to complete the MCCD/ Form C (Form A in Alderney) include:

¹ Normally the period is 21 days, but this has been extended to 28 days during the current emergency, and in line with UK practice.

severe pressure on medical services; the need to ensure medical practitioners with appropriate skills are available to treat patients; and/or medical practitioners becoming infected with COVID-19 and needing to self-isolate.

1.5 Every medical practitioner who is not in position to state the cause of death to the best of his or her knowledge and belief must, as usual, immediately inform the Law Officers of the Crown and the police.

1.6 A modified M CCD/ Form C / Form A has been produced and ideally should be completed. However, if this is not available for any reason, the amendments outlined below may be made to Form C (Form A in Alderney) during the period for which the emergency regulations are in place:

1.6.1 the line beginning “Last seen alive by me” can be deleted (or filled in as “not seen”) if appropriate;

1.6.2 the certification that “I was in medical attendance during the above-named deceased’s last illness and” can be deleted if appropriate so that the certification reads: “I hereby certify that the particulars and cause of death above written are true to the best of my knowledge and belief”; and

1.6.3 the Certificate of another medical practitioner who has seen the body is not required if the conditions set out in 1.2.1 or 1.2.2 are met even if the medical practitioner signing the M CCD/ Form C (Form A in Alderney) has not seen the deceased’s body,

providing that Form C (Form A in Alderney) is completed in compliance with the guidance in this document.

2. COVID-19 AS A CAUSE OF DEATH

2.1 In keeping with the Coroners’ Society Guidance in England, COVID-19 is an acceptable direct or underlying cause of death for the completion of Part 1 of the M CCD/ Form C (Form A in Alderney), given that COVID-19 is a natural disease process. It is therefore not a reason, on its own, to refer a death to the Law Officers of the Crown.

2.2 It is acceptable to qualify mention of COVID-19 with words such as ‘possibly’ or ‘probably’ indicating the absence of a positive virology test or some ambiguity in clinical presentation, and such qualifiers do not in themselves imply sufficient doubt on the cause of death to require referral to the Law Officers. For clarity, the recording of “Probable Covid-19” or “Possible

Covid-19" as the cause of death is not acceptable on its own. However, when accompanied by an acceptable cause of death in part 1 of the MCCD / Form C (Form A in Alderney) it can be accepted for registration without need for referral.

3. SUBMISSION OF THE MCCD

3.1 The requirements for notifying the Registrar at the Greffe of a death in the Bailiwick have already been modified to provide for electronic notification. See further paragraph 4.7. Electronic forms have been created of the MCCD/Form C (Form A in Alderney) for convenience.

3.2 Please ensure when signing the documentation that medical practitioners sign and print their name (handwritten or electronically). As usual, the MCCD / Form C (Form A in Alderney) must be submitted within 5 days of the deceased's death.

3.3 Where Doctor A (who has not attended the deceased person within the last 28 days) completes and signs the MCCD in accordance with paragraph 1.2.1 above, he or she should note, in line commencing, "Last seen...", the name of Doctor B (who attended the deceased within the last 28 days) together with his or her GMC registration number, if known.

3.4 The completed MCCD/ Form C (Form A in Alderney) can be emailed directly to the appropriate Registrar (see the Contact section below), copying in the funeral director for their information. The deceased's name should be included in the subject line of the email.

4. APPLICATIONS FOR CREMATIONS

4.1 During the period for which these measures apply, the procedure for applying for cremations under the 1972 Ordinance is modified as set out below. All Forms in respect of cremation applications are termed the "1972 Form" to distinguish them from those relating to the registration of deaths.

4.2 Applications for cremations made on the 1972 Form A do not require verification of the applicant by countersignature, however, they do require a declaration of truth by the applicant. This means that medical practitioners, as one category of persons who may countersign, will not need to verify 1972 Form A's during this current emergency.

4.3 The 1972 Form B (Certificate of Medical Attendant) may be completed by an authorised medical practitioner who can certify definitely (to the best of their knowledge and belief) the cause of death, but they need not have attended the deceased during the deceased's last illness. It would be acceptable for a medical practitioner to amend the 1972 Form B (Certificate of Medical Attendant) by hand, by deleting the words "Having attended the deceased before death, and seen and identified the body after death", provided that the reason for not attending is explained at the top of the form, e.g. it is impractical/impossible due to self-isolation etc.

4.4 The 1972 Form C (Confirmatory Medical Certificate) is not required.

4.5 Cremations may not always be available in respect of those who have not died on Guernsey. In the case of such cremation applications, it is advisable to verify whether or not the body will be able to be transferred to Guernsey in the first instance. In any event, cremation applications in respect of those who have not died on Guernsey are modified as above. Form B may also be completed by appropriately qualified medical practitioners outside Guernsey.

4.6 Electronic forms and electronic signatures or handwritten and scanned form are acceptable. In the signature section on the form, medical practitioners should both sign and print their name (handwritten or electronically).

4.7 Guidance on electronic procedures during this emergency has been produced for Funeral Directors and others, to which medical practitioners may wish to refer. It is available on the Law Officers' website:

<http://www.guernseylawofficers.gg/article/163197/Coroner>

QUERIES AND CONTACTS

For any queries regarding the above, please email Coroner@gov.gg. In the event of an urgent query please call the Law Officers on 01481-743737 or the main office number, 01481-723355.

If you have any queries regarding registrations of deaths, please email the appropriate island's Registrar:

In Guernsey: registrar@guernseyroyalcourt.gg

In Alderney: court@alderney.gov.gg

In Sark: TBC