

Key COVID-19 legal developments in the health sector: Coronavirus Act - Death Certification Provisions

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Existing statutory requirements imposed upon registered medical practitioners to certify medical cause of death have been revised significantly in the light of the current national coronavirus emergency.

Previously the requirement was that any registered medical practitioner was required to provide a certificate provided s(he) had attended upon the deceased in their last illness and had last seen the deceased within 14 days of death or after death.

Schedule 13 of the Coronavirus Act 2020 which gained the Royal Assent on 25 March 2020 the Commencement Order signed on 26 March 2020 and is therefore now law considerably revises and relaxes this regime principally in the following ways:-

1. A registered medical practitioner who is not the practitioner who attended the deceased during the deceased's last illness may nevertheless provide a certificate provided it is "impractical" for the attending registered practitioner to do so and the signing practitioner is able to state to the best of his (her) knowledge and belief the cause of death. (s4(2) of Schedule 13)
2. A registered medical practitioner may sign a certificate even in the case of a person who has not been attended by a registered medical practitioner during that person's last illness at all provided the RMP is still able to state to the best of his knowledge and belief the cause of death. (Schedule 13 s4(3)).
3. the period of time within which an attending RMP may have seen the deceased prior to his or her death is extended from 14 to 28 days (s6(3)(b)).
4. s19 of the Coronavirus Act removes the need for a confirmatory medical certificate prior to a cremation.

On 1 April 2020 the General Register Office published Guidance on Covid-19 on the medical certificate of cause of death which states that

1. Covid-19 is an acceptable direct or underlying cause of death for the purposes of completing a MCCD
2. Covid-19 is not a reason on its own to refer a death to the coroner (unless there is some other reason for the referral)
3. While Covid-19 is a notifiable disease it does not need to be referred to a coroner by virtue of that status.
4. Use of "Probable Covid-19" or "PossibleCovid-19" as a cause of death is not acceptable on its own, however when accompanied by an acceptable cause of death in part 1 of the MCCD it can be accepted for registration without need for referral.

Further reading:-

[Coronavirus Act - excess death provisions: information and guidance for medical practitioners , NHS 31 March 2020](#)

[Chief Coroners Guidance no 36 - Summary of the Coronavirus Act 2020 Provisions relevant to Coroners.](#)

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