
STATUTORY INSTRUMENTS

2000 No. 58

CREMATION, ENGLAND AND WALES

The Cremation (Amendment) Regulations 2000

Made - - - - *13th January 2000*
Laid before Parliament *20th January 2000*
Coming into force - - *14th February 2000*

The Secretary of State, in exercise of the powers conferred on him by section 7 of the Cremation Act 1902⁽¹⁾, hereby makes the following Regulations:

Citation and commencement

1.—(1) These Regulations may be cited as the Cremation (Amendment) Regulations 2000 and shall come into force on 14th February 2000.

(2) These Regulations shall not extend to Scotland.

Interpretation

2. In these Regulations—

“the principal Regulations” means the Regulations made by the Secretary of State under section 7 of the Cremation Act 1902 and section 10 of the Births and Deaths Registration Act 1926 and dated 28th October 1930⁽²⁾.

Cremation of body parts

3. Before the definition of “Cremation Authority” in that part of the principal Regulations headed “Definitions”, insert the following definitions—

““Body parts” means organs or tissue removed from a deceased person during the course of a post-mortem examination.

“The Act of 1953” means the Births and Deaths Registration Act 1953⁽³⁾.”.

(1) 1902 c. 8; section 7 was amended by section 2 of the Cremation Act 1952 (c. 31) and was extended by section 10 of the Births and Deaths Registration Act 1926 (c. 48). In the case of Scotland, the power under section 7 has been devolved by virtue of section 53 of the Scotland Act 1998 (c. 46).
(2) S.R. & O. 1930/1016, amended by S.I. 1952/1568, 1965/1146, 1979/1138 and 1985/153.
(3) 1953 c. 20.

4. In regulation 7 of the principal Regulations, after “Form “A””, insert “or Form “AA” as the case may be”.

5. After regulation 14 of the principal Regulations, insert the following regulation—

“**14A.**—(1) The foregoing Regulations 6, 8 to 9, 11, 12 and 12A shall not apply to the cremation of body parts, and no such cremation shall take place except in accordance with this Regulation.

(2) Subject to paragraph (6), the Medical Referee may only permit the cremation of body parts to take place if he is satisfied—

(a) by the production of a certificate in Form “DD” or, if such a certificate cannot be produced, by such other evidence as is produced, that the body parts were removed in the course of a post-mortem examination carried out on the body of the deceased;

(b) by the production of—

(i) a certificate in pursuance of section 24 of the Act of 1953, or

(ii) a certified copy of the entry of the death in the relevant register issued pursuant to sections 30 to 32 of the Act of 1953,

that the death of the deceased from whom the body parts have been removed has been duly registered; and

(c) that application therefore has been made in Form “AA” set out in the Schedule hereto, the information requested in that form duly furnished, the application has been made by an executor or by the nearest surviving relative of the deceased, or, if made by any other person, that the fact that the executor or nearest relative has not made the application is sufficiently explained and that the person making the application is a proper person to do so.

(3) Where the death or post-mortem examination took place outside England and Wales, certificates or copies substantially to the like effect as those referred to in paragraph (2)(a) and (b) shall be treated as equivalent to those certificates or copies.

(4) The Medical Referee may make any inquiry with regard to the application and certificates that he may think necessary.

(5) No cremation of body parts shall take place except on the written authority of the Medical Referee given in Form “FF”.

(6) In any case where the Medical Referee is not satisfied as to the matters in paragraphs (2)(a) or (b), the Secretary of State, if satisfied that the case is one in which cremation may properly take place, may authorise the Medical Referee to allow the cremation.”.

6. In regulation 17 of the principal Regulations—

(a) after “Form “G””, insert “or Form “GG”, whichever is applicable”; and

(b) after “except”, insert “, in the case of Form “G”,”.

7. In the Schedule to the principal Regulations, there shall be inserted after Form A the following—

“FORM AA *Application for cremation of body parts*

I (*Name of applicant*)
 (*Address*)
 (*Occupation*),
 apply to the
 to undertake the cremation of the (*specify organs or tissue to be cremated*)
 of
 (*Name of deceased*)
 (*Address*)
 (*Occupation*),
 (*Age*) (*Sex*)
 (*Whether married, widow, widower, or unmarried*)
 those body parts having been removed in the course of a post-mortem examination.

The true answers to the questions set out below are as follows:

1. Are you an executor or the nearest surviving relative of the deceased?
2. If not, state
 - (a) Your relationship to the deceased.
 - (b) The reason why the application is made by you and not by an executor or any nearer relative.
3. Have the near relatives* of the deceased been informed of the proposed cremation?
4. Has any near relative of the deceased expressed any objection to the proposed cremation? If so, on what ground?
5. What was the date and place of the death of the deceased?
6. Give the name and address of the cemetery, churchyard or crematorium where the body of the deceased was buried or cremated.
7. On what date did the burial or cremation take place?
8. Do you know of any reason whatever for supposing that further examination of the body parts of the deceased may be desired?

I declare that to the best of my knowledge and belief the information given in this application is correct and no material particular has been omitted.

Date (Signature)

The applicant is known to me and I have no reason to doubt the truth of any of the information furnished by the applicant.

Date (Signature)
(capacity in which signatory has signed)

(Address)

* The term "near relative" as here used includes widow or widower, parents, children above the age of 16, and any other relative usually residing with the deceased.

8. In the Schedule to the principal Regulations, there shall be inserted after Form D the following—
 "FORM DD*Certificate on release of body parts*

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I hereby confirm on behalf of *(specify name and address of hospital trust or other authority lawfully holding the body parts)*

that the following organs were removed in the course of the post-mortem examination carried out on

(Name of deceased)

(Address)

(Age)

(Sex)

who died on *(Date)*

at *(Place)*:

*Heart *Brain *Chest *Abdominal *Other organs *(specify)*

I hereby certify that there exists no reason for any further inquiry or examination concerning the above mentioned body parts, and that they are [*with the consent of the coroner for *(specify coroner's district)*] now released for cremation in a suitably safe and prepared condition.

(Date)

(Signature)

(Full name printed)

(Address)

(Registered qualifications)

(Office)

*Delete if not applicable.

9. In the Schedule to the principal Regulations, there shall be inserted after Form F the following—

“FORM FFAuthority to cremate body parts

Whereas application has been made for the cremation of the body parts of

(Name)*

(Address)

(Occupation)

And whereas I have satisfied myself that all the relevant requirements of the Cremation Act 1902, and of the Regulations made in pursuance of that Act, have been complied with, and that there exists no reason why the body parts should not be cremated:

I hereby authorise the Superintendent of the Crematorium at _____ to cremate the said body parts.

(Signature)

Medical Referee to the

(Date)

NOTE. This authority should be signed in duplicate—one copy to be retained with the certificates and the other sent by the Medical Referee to the Superintendent of the Crematorium.

*In the case of a stillborn child, in place of name, address and occupation, insert a description sufficient to identify the body.

10. In the Schedule to the principal Regulations, there shall be inserted after Form G the following—

“FORM GG *Register of Cremations of Body Parts*

carried out by

at the Crematorium at

No.	Name, Residence and Occupation of deceased	Age and sex	Date of death	Date and place of burial/ cremation of body	Body part, being cremated	Name and address of person who applied for cremation	Names and addresses of persons signing certificates

NOTE. Additional particulars may be added in the form of Register by the Cremation Authority.

13th January 2000

Paul Boateng
Minister of State Home Office

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EXPLANATORY NOTE

(This note is not part of these Regulations)

These Regulations, which do not apply to Scotland, amend the Cremation Regulations 1930, making provision concerning the cremation of parts of the body of a deceased person, those parts having been removed in the course of a post-mortem examination.

Regulation 4 amends regulation 7 of the 1930 Regulations, which prohibits cremations unless an application in a specified form has been completed in accordance with that regulation. The amendment inserts a reference to the new application Form AA which must be completed for the cremation of body parts.

Regulation 5 inserts a new regulation 14A into the 1930 Regulations. This provision has the effect of prohibiting the cremation of body parts unless the Medical Referee is satisfied of several matters: that the parts were removed in the course of a post-mortem examination carried out on the deceased, that the death has been duly registered, and that a proper application for the cremation has been submitted. In cases where the Medical Referee cannot be satisfied of such matters, the Secretary of State may still authorise the Medical Referee to allow the cremation of body parts.

Regulation 6 amends regulation 17 of the 1930 Regulations, obliging the registrar to maintain a register for the cremation of body parts.

Regulations 7 to 10 insert new forms into the Schedule to the 1930 Regulations. New Form AA is the application form for the cremation of body parts which must be completed by the proper person. New Form DD is the certification to be given by the appropriate person on behalf of the hospital trust or other authority which has the body parts confirming that the specified body parts were removed during a post-mortem examination and certifying that there is no reason for any further inquiry or examination and that the body parts are released for cremation in a suitable condition. New Form FF is the written authority to cremate the body parts to be completed by the Medical Referee, and new Form GG sets out the form in which the registrar of the cremation authority must record the details of the cremation in the register.