



# Cremation Act 1902

1902 CHAPTER 8 2 Edw 7

## 8 Penalties for breach of regulations, &c.

- (1) Every person who shall contravene any such regulation as aforesaid, or shall knowingly carry out or procure or take part in the burning of any human remains except in accordance with such regulations and the provisions of this Act, shall (in addition to any liability or penalty which he may otherwise incur [<sup>F1</sup>other than an offence under section 27A(1) of the Registration of Births, Deaths and Marriages (Scotland) Act 1965 (c. 49) (offence of disposal of body without authorisation)]) be liable, on summary conviction, to a penalty not exceeding [<sup>F2</sup>level 3 on the standard scale]. <sup>F3</sup> . . .
- (2) Every person who shall wilfully make any false . . . <sup>F4</sup> representation, or sign or utter any false certificate, with a view to procuring the burning of any human remains, shall (in addition to any penalty or liability which he may otherwise incur) be liable to imprisonment, . . . <sup>F5</sup>, not exceeding two years.
- [<sup>F6</sup>(3) Every person who, with intent to conceal the commission or impede the prosecution of any offence, procures or attempts to procure the cremation of any body, or, with such intent, makes any [<sup>F7</sup>application] or gives any certificate under this Act, shall be liable to conviction on indictment to [<sup>F8</sup>imprisonment] for a term not exceeding five years.]

### Textual Amendments

- F1** Words in s. 8(1) inserted (S.) (13.5.2015) by [Certification of Death \(Scotland\) Act 2011 \(asp 11\)](#), s. 32(3), [Sch. 2 para. 1\(4\)](#); S.S.I. 2015/115, art. 3
- F2** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [ss. 38](#), 46 and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [ss. 289F](#), 289G
- F3** Words in s. 8(1) repealed (5.11.1993) by [1993 c. 50, s. 1\(1\)](#), [Sch. 1 Pt. I](#) Group1
- F4** Words repealed by [Perjury Act 1911 \(c. 6\) Sch.](#) and [False Oaths \(Scotland\) Act 1933 \(c. 20\)](#), [Sch.](#)
- F5** Words omitted by virtue of [Criminal Justice Act 1948 \(c. 58\)](#), [s. 1\(2\)](#) and [Criminal Justice \(Scotland\) Act 1949 \(c. 94\)](#), [s. 16\(2\)](#)
- F6** S. 8(3) repealed (E.W.) by [Criminal Law Act 1967 \(c. 58\)](#), [Sch. 3 Pt. III](#)
- F7** Word substituted by [Cremation Act 1952 \(c. 31\)](#), [s. 2\(3\)](#)
- F8** Word substituted by virtue of [Criminal Justice Act 1948 \(c. 58\)](#), [s. 1\(1\)](#) and [Criminal Justice \(Scotland\) Act 1949 \(c. 94\)](#) s. 16(2)

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*Changes to legislation: There are currently no known outstanding effects for the Cremation Act 1902, Section 8. (See end of Document for details)*

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**Modifications etc. (not altering text)**

- C1** S. 8(2) amended (E.W.) as to mode of trial by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), s. 17, [Sch. 1 para. 13](#)

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