

1952 No. 1568

CREMATION

ENGLAND

The Cremation Regulations, 1952

Made - - - - - 23rd August, 1952
Laid before Parliament 25th August, 1952
Coming into Operation 26th September, 1952

In pursuance of the powers conferred upon me by section seven of the Cremation Act, 1902(a), as amended by section two of the Cremation Act, 1952(b), and section ten of the Births and Deaths Registration Act, 1926(c), I hereby make the following Regulations:—

1.—(1) In the Regulations made by the Secretary of State under section seven of the Cremation Act, 1902, and section ten of the Births and Deaths Registration Act, 1926, and dated the twenty-eighth day of October, 1930(d) (hereafter in these Regulations referred to as “the principal Regulations”), for Regulation 7 (which makes provision as to the application to be made before a cremation may take place and requires the particulars in the application to be confirmed by statutory declaration), there shall be substituted the following Regulation, that is to say:—

“7.—(1) No cremation shall be allowed to take place unless application therefor has been made in Form “A” set out in the Schedule hereto and the information requested in that form duly furnished, the following provisions of this Regulation having been complied with.

(2) The application shall be signed by an executor or the nearest relative of the deceased, so, however, that it may be signed by some other person if the cremation authority is satisfied that that person is a proper one to have signed, and a satisfactory reason is given on the application why it is not signed by an executor or the nearest relative but by that other person.

(3) The application shall be verified by being countersigned by—

- (a) a Member of Parliament;
- (b) a justice of the peace;
- (c) a minister of religion;
- (d) an advocate, barrister or solicitor;
- (e) a registered medical practitioner or registered dental practitioner;
- (f) an officer on the active or half pay or pension lists of any of Her Majesty’s naval, military or air forces;
- (g) a person on the active or pension list of the permanent civil service of the Crown who is, or was at the date of his retirement, of the rank of clerical officer or equivalent or higher rank and is not less than twenty-one years of age;
- (h) a manager or cashier of a bank;

(a) 2 Edw. 7. c. 8.

(b) 15 & 16 Geo. 6. and 1 Eliz. 2. c. 31.

(c) 16 & 17 Geo. 5. c. 48.

(d) S.R. & O. 1930/1016; Rev. V, p. 283; 1930 p. 417.

- (i) a teacher at a school recognised by the Ministry of Education or the Secretary of State or at a university or university college ;
- (j) a police officer not below the rank of sergeant ;
- (k) a member or the clerk of a local authority ; or
- (l) the secretary of a trade union, registered friendly or approved society or branch of a trade union or registered branch of a friendly society,

who shall specify in which of the above capacities he signed and shall certify that the applicant is known to him or her and that he or she has no reason to doubt the truth of any of the information furnished by the applicant.”

(2) For Form “ A ” set out in the Schedule to the principal Regulations (being the form of application for cremation containing a statutory declaration), there shall be substituted the form set out in the Schedule to these Regulations.

2. In Regulation 12 of the principal Regulations (which sets out the duties of the medical referee of a cremation authority), in the provision concerning the remains of a person who has died out of England (as to the declarations and certificates which the medical referee may accept in that case)—

(a) for the words from “ in any place out of England ” to the words “ or to take a declaration ” there shall be substituted the following words, that is to say :—

“ in Scotland, the medical referee may accept an application and certificates made or given in accordance with regulations made in pursuance of section seven of the Cremation Act, 1902, as amended by the Cremation Act, 1952, and having effect in Scotland. In the case of the remains of a person who has died in any other place out of England or Wales, the medical referee may accept an application containing the particulars prescribed in Form “ A ” if it be accompanied by a declaration by the applicant that all the particulars given therein are true to the best of his or her knowledge and belief, made before any person having authority in that place to administer an oath or take a declaration ” ;

(b) for the words “ In any such case ” there shall be substituted the words “ In any such last-mentioned case ”.

3. In Regulation 20 of the principal Regulations (which relates to the marking and filing of applications, certificates, statutory declarations and other documents for registration purposes), the words “ statutory declarations ”, in both places where these words occur, shall be omitted.

4. These Regulations may be cited as the Cremation Regulations, 1952, and shall come into operation on the twenty-sixth day of September, 1952.

David Maxwell Fyfe,

One of Her Majesty's Principal
Secretaries of State.

Home Office,
Whitehall.

23rd August, 1952.

Regulation 1.

SCHEDULE

FORM A

Application for Cremation

I, (Name of applicant)

(Address)

(Occupation)

apply to the

to undertake the cremation of the remains of

(Name of deceased)

(Address)

(Occupation)

(Age)

(Sex)

(Whether married, widow, widower, or unmarried)

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. (a)
 - (b) The reason why the application is made by you and not by an executor or any nearer relative. (b)
3. Did the deceased leave any written directions as to the mode of disposal of his/her remains? If so, what?
4. Have the near relatives* of the deceased been informed of the proposed cremation?
5. Has any near relative of the deceased expressed any objection to the proposed cremation? If so, on what ground?
6. What was the date and hour of the death of the deceased?
7. What was the place where deceased died? (Give address and say whether own residence, lodgings, hotel, hospital, nursing home, etc.)
8. Do you know, or have you any reason to suspect, that the death of the deceased was due, directly or indirectly, to
 - (a) violence;
 - (b) poison;
 - (c) privation or neglect?
9. Do you know any reason whatever for supposing that an examination of the remains of the deceased may be desirable?
10. Give name and address of the ordinary medical attendant of the deceased.
11. Give names and addresses of the medical practitioners who attended deceased during his/her last illness.

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.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

Section seven of the Cremation Act, 1902, required the Secretary of State to make Regulations prescribing, amongst other things, the form of the declarations to be made before cremation may take place, and requiring such declarations to be made under and by virtue of the Statutory Declarations Act, 1835, and the Regulations of 1930 so provided. By section two of the Cremation Act, 1952, the words relating to statutory declarations are repealed, and provision is made for every application for cremation to be verified in such manner as the Secretary of State may prescribe. These Regulations amend the Regulations of 1930 accordingly, and require an application for cremation to be countersigned by a person of one of the classes set out in the new Regulation 7 (3). Regulations 2 and 3 make provision consequential upon the repeal of the requirement as to statutory declarations, and Regulation 2 in addition makes amended provision so as to enable a medical referee, in the case of a person who has died in Scotland, to accept an application and certificates made or given in accordance with regulations in force in that country.

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