

1979 No. 1138**CREMATION****The Cremation Regulations 1979**

Made - - - - - 6th September 1979

Laid before Parliament 18th September 1979

Coming into Operation 1st November 1979

In exercise of the powers conferred upon me by section 7 of the Cremation Act 1902(a), as amended by section 2 of the Cremation Act 1952(b) and as extended by section 10 of the Births and Deaths Registration Act 1926(c), I hereby make the following Regulations:—

1. These Regulations may be cited as the Cremation Regulations 1979 and shall come into operation on 1st November 1979.

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(d).

3. In Regulation 12 of the principal Regulations the words after paragraph (9) shall be omitted.

4. After Regulation 12 of the principal Regulations there shall be inserted the following Regulation:—

“12A.—(1) For purposes of Regulation 12 above the medical referee may accept—

(a) in the case of the remains of a person who has died in Scotland, an application for cremation and certificates substantially to the like effect as Forms “B”, “C”, “D” and “E” made or given in accordance with regulations which are made under the Cremation Acts 1902 and 1952 and have effect in Scotland;

(b) in the case of the remains of a person who has died in any place outside England, Wales or Scotland, an application containing the particulars requested in Form “A” if it is 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;

(c) in the case of the remains of a person who has died in Northern Ireland, the Isle of Man or the Channel Islands, certificates substantially to the like effect as Forms “B”, “C”, “D” and “E” given in

(a) 1902 c. 8.

(b) 1952 c. 31.

(c) 1926 c. 48.

(d) S.R. & O. 1930/1016, amended by S.I. 1952/1568; 1965/1146.

accordance with the law relating to cremation for the time being in force in Northern Ireland, the Isle of Man, the Bailiwick of Jersey or the Bailiwick of Guernsey, as the case may be;

(d) in the case of the remains of a person who has died in any place outside the British Islands, certificates substantially to the like effect as Forms "B", "C" and "D" signed by a medical practitioner who possesses qualifications which the medical referee is satisfied are substantially equivalent to those prescribed in the case of each certificate by these Regulations.

(2) In any case mentioned in paragraph (1)(d) above the Secretary of State, if satisfied that the case is one in which cremation may properly take place, may by order under his hand authorise the medical referee to allow the cremation without the production of certificates substantially to the like effect as Forms "B" and "C".

5.—(1) In Regulation 13 of the principal Regulations for the words "to 12" there shall be substituted the words "to 12A".

(2) In Regulation 14 of the principal Regulations for the words "and 12" there shall be substituted the words "12 and 12A".

6. After Regulation 15 of the principal Regulations there shall be inserted the following Regulation:—

"15A. Regulation 15 above shall not apply in the case of the remains of a child stillborn outside England and Wales and in such a case, notwithstanding Regulations 6 to 12A, the medical referee may permit the cremation of the remains of a stillborn child if it be certified to be stillborn by a registered medical practitioner or a person entitled to practise as a medical practitioner in the place where the stillbirth occurred and if the medical referee, after such inquiries as he may think necessary, is satisfied that it was stillborn and that there is no reason for further examination."

W. S. I. Whitelaw,
One of Her Majesty's Principal
Secretaries of State.

Home Office.
6th September 1979.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Cremation Regulations 1930 to make new provision for the documents which may be accepted by the medical referee of a cremation authority to enable him to authorise the cremation of the remains of a person who has died outside England and Wales. Regulation 4 provides for the acceptance in England and Wales of applications for cremation, medical certificates and coroners' certificates (or equivalent certificates) in the forms in use in Scotland, Northern Ireland, the Isle of Man and the Channel Islands and of applications for cremation and medical certificates received from other places. Regulation 6 provides for the case of the remains of a child stillborn outside England and Wales and enables the medical referee to accept a medical certificate given in the place where the stillbirth occurred.

SI 1979/1138
ISBN 0-11-094138-1



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