STATUTORY INSTRUMENTS

1985 No. 153

CREMATION

The Cremation (Amendment) Regulations 1985

Made - - - - -	*9th February* 1985
Laid before Parliament	*19th February* 1985
Coming into Operation	*1st April* 1985

In exercise of the powers conferred upon me by section 7 of the Cremation Act 1902**(a)**, I hereby make the following Regulations:—

1. These Regulations may be cited as the Cremation (Amendment) Regulations 1985 and shall come into operation on 1st April 1985.

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**(b)**.

3. After Regulation 8 of the principal Regulations there shall be inserted the following Regulation:—

"**8A.**—(1) A confirmatory medical certificate in Form "C" is not required where—

(*a*) the death of the deceased occurred in a hospital and the deceased was an in-patient there; and

(*b*) a post-mortem examination has been made by a medical practitioner qualified as prescribed in Regulation 9 and the medical practitioner who gives the certificate in Form "B" knows the results of that examination before giving his certificate.

(2) In this Regulation "hospital" means any institution for the reception and treatment of persons suffering from illness or mental disorder, any maternity home, and any institution for the reception and treatment of persons during convalescence.".

4. In Regulations 12(6) and 12A(2) of the principal Regulations (which provide for the Secretary of State by order under his hand to authorise the medical referee to allow cremation without the requisite certificates) the words "under his hand" shall be omitted.

(a) 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).

(b) S.R. & O. 1930/1016, amended by S.I. 1952/1568, 1965/1146 and 1979/1138.

5. In Form B in the Schedule to the principal Regulations (form of certificate of medical attendant)—

(*a*) after the entry numbered 8 there shall be inserted the following entry:—

"8A. If the deceased died in a hospital* at which he was an in-patient, has a post-mortem examination been made by a registered medical practitioner of not less than five years' standing who is neither a relative of the deceased nor a relative or partner of yours and are the results of that examination known to you?";

(*b*) in the Note at the end of the Form there shall be inserted at the end the following words:—

"except in a case where question 8A above is answered in the affirmative, in which case the certificate must be so handed or sent to the Medical Referee"; and

(*c*) after the Note at the end of the Form there shall be added the following words:—

"*The term "hospital" as used here means any institution for the reception and treatment of persons suffering from illness or mental disorder, any maternity home, and any institution for the reception and treatment of persons during convalescence.".

Leon Brittan,
One of Her Majesty's Principal
Secretaries of State.

Home Office.
9th February 1985.

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

These Regulations amend the Cremation Regulations 1930. Regulation 8 of the 1930 Regulations allows the medical referee of a cremation authority to authorise the cremation of the remains of a person if he has a certificate in Form B in the Schedule to the Regulations from the medical attendant of the deceased and a confirmatory certificate given by another doctor in Form C. Regulation 3 of these Regulations adds a new Regulation 8A to the 1930 Regulations to dispense with the requirement for Form C where the deceased died as an in-patient in a hospital, a post-mortem examination has been made by a suitably qualified doctor and the deceased's medical attendant knows the results of the examination before giving his certificate. Regulation 5 of these Regulations makes consequential amendments to Form B.

Regulations 12 and 12A of the 1930 Regulations enable the medical referee in certain circumstances to allow cremation on the authority of an order under the hand of the Secretary of State. Regulation 4 of these Regulations removes the requirement for the Secretary of State's order to be made under his hand.

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