STATUTORY INSTRUMENTS

1985 No. 820 (S. 73)

CREMATION

The Cremation (Scotland) Amendment Regulations 1985

Made - - - -	*22nd May* 1985
Laid before Parliament	*7th June* 1985
Coming into Operation	*1st August* 1985

In exercise of the powers conferred upon me by section 7 of the Cremation Act 1902(**a**), and of all other powers enabling me in that behalf, I hereby make the following regulations:—

Citation, commencement and interpretation

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

(2) In these regulations the expression "the principal regulations" means the Cremation (Scotland) Regulations 1935(**b**).

Amendment of the principal regulations

2. In regulation 8*(a)* of the principal regulations, there shall be inserted before the words "medical practitioner" where they last occur the word "registered".

3. After regulation 8 of the principal regulations there shall be inserted the following regulation:—

"**8A.**—(1) A confirmatory medical certificate in Form C in the Schedule hereto is not required to be given 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 8*(a)* to give a confirmatory medical certificate in Form C in the Schedule hereto; and

(c) the medical practitioner who gives the certificate in Form B in the Schedule hereto knows the results of that post-mortem examination before giving his certificate.

(2) In this regulation the term "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 Form B in the Schedule to the principal regulations (form of certificate of medical attendant)—

(a) after question number 8 there shall be inserted the following entry:—

(**a**) 1902 c.8; section 7 was amended by Schedule 11, Part V to the Finance Act 1949 (c.47), and by section 2 of the Cremation Act 1952 (c.31).
(**b**) S.R. & O. 1935/247, amended by S.I. 1952/1639, 1967/398.

"**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 after the words "confirmatory certificate below" the following:—

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

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

"*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.".

5. In Form C in the Schedule to the principal regulations (form of confirmatory medical certificate) before the word "practitioner" where it first occurs there shall be inserted the words "registered medical".

George Younger,
One of Her Majesty's Principal
Secretaries of State.

New St. Andrew's House,
Edinburgh.
22nd May 1985.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Cremation (Scotland) Regulations 1935, "the principal regulations". Regulation 8 of the principal regulations specifies that no cremation is permitted unless there are produced a certificate in Form B in the Schedule to the principal regulations from the medical attendant of the deceased, and a confirmatory certificate in Form C given by another doctor. Regulation 3 of these regulations inserts a new regulation 8A in the principal regulations to dispense with the requirement for a certificate in 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 result of that examination before giving his certificate in Form B. Regulation 4 of these regulations makes consequential amendments to Form B.

Regulation 8 of the principal regulations requires that a certificate in Form C be given by a medical practitioner of not less than 5 years' standing. Regulation 2 of these regulations amends regulation 8 so as to require that such a practitioner be a registered medical practitioner of not less than 5 years' standing. Regulation 5 makes a consequential amendment to Form C.

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