

STATUTORY INSTRUMENTS

1967 No. 398 (S. 31)

CREMATION

The Cremation (Scotland) Amendment Regulations 1967

Made
7th March 1967

Laid before Parliament
22nd March 1967

Coming into Operation
1st May 1967

In exercise of the powers conferred on me by section 7 of the Cremation Act 1902(a), as amended by section 2 of the Cremation Act 1952(b), 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 1967 and shall come into operation on 1st May 1967.

(2) These regulations, the Cremation (Scotland) Regulations 1935(c), (hereinafter referred to as "the principal regulations") and the Cremation (Scotland) Regulations 1952(d), (hereinafter referred to as "the 1952 regulations") may be cited together as the Cremation (Scotland) Regulations 1935 to 1967.

(3) The Interpretation Act 1889(e) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

Amendments to Regulations

2. In regulation 6(a) of the principal regulations for the words "Schedule 1 appended to the Births, Deaths and Marriages (Scotland) Act, 1854" there shall be substituted the words "Schedule 14 appended to the Registration of Births, Still-births, Deaths and Marriages (Prescription of Forms) (Scotland) Regulations 1965" (f).

3. In regulation 6(c)(ii) of the principal regulations for the words "in Form E(2) in the Schedule hereto" there shall be substituted the words "in accordance with regulations made in pursuance of section 7 of the Cremation Act 1902 as amended by the Cremation Act 1952 and having effect in England".

4. In regulation 7(3) of the principal regulations as set out in regulation 2 of the 1952 regulations for the words from "(a) a Member of Parliament" to "he has signed and" there shall be substituted the words "a householder to whom the applicant is known, who".

5. After regulation 8(c) of the principal regulations there shall be inserted the following paragraph

"(d) in relation to a person whose body has undergone anatomical examination pursuant to the provisions of the Anatomy Act 1832(g) a certificate in Form H has been given by a person licensed under section 1 of that Act that the body has undergone such examination."

- (a) 1902 c. 8.
- (b) 1952 c. 31.
- (c) S.R. & O. 1935/247 (Rev. V. p. 296: 1935 p. 281).
- (d) S.I. 1952/1639 (1952 I p. 664).
- (e) 1889 c. 63.
- (f) S.I. 1965/1839 (1965 III p. 5535).
- (g) 1832 c. 75.

6. In regulation 15 of the principal regulations for the words "Registration of Births, Deaths and Marriages (Scotland) Act, 1854" there shall be substituted the words "Registration of Births, Deaths and Marriages (Scotland) Act 1965"(a).

7. For the first paragraph of regulation 16 of the principal regulations there shall be substituted the following paragraph

"16. Notwithstanding anything in the foregoing Regulations, the Medical Referee may authorise the cremation of the remains of a still-born child if there has been produced

(a) a certificate of registration under the hand of the Registrar of Births, Deaths and Marriages in the form of Schedule 8 appended to the Registration of Births, Still-births, Deaths and Marriages (Prescription of Forms) (Scotland) Regulations 1965; and

(b) a certificate that the child was still-born given by the registered medical practitioner who attended at the confinement of the mother or by a registered medical practitioner after post-mortem examination of the body;

and if the Medical Referee after such inquiries as he may think necessary is satisfied that it was still-born."

8. In regulation 17 of the principal regulations (which describes arrangements to be made for the disposal of ashes) there shall be inserted after the words "burial of ashes" the following words "or shall be scattered thereon," and after the words "ashes are interred" the words "or scattered".

9. In regulation 19 of the principal regulations as amended by the 1952 regulations after the words "any part of such register" there shall be inserted "(a)" and after the word "relate" there shall be inserted the following words

"(b) after 2 years if a photographic copy thereof is made. Any such copy shall be retained until the expiration of the said period of 15 years."

10. After Form G in the Schedule to the principal regulations there shall be inserted Form H in the Schedule to these regulations.

Revocations

11. The following provisions of the principal regulations are hereby revoked namely

(a) regulations 4 and 12(a) (which prohibit the cremation of the body of a person who has left a written direction to the contrary);

(b) regulations 5 and 12(b) (which prohibit the cremation of the unidentified human remains);

(c) regulation 8(d) and (e) (which require production of Form E(2) in the Schedule to the principal regulations when a post-mortem has been made or an inquest has been held);

(d) Form E(2) in the Schedule (which is the certificate given by a Coroner in England or Wales);

(e) Question 3 in Form A in the Schedule as set out in the Schedule to the 1952 regulations (which inquires whether the deceased has left any written directions as to the mode of disposal of his remains).

William Ross, One of Her Majesty's Principal Secretaries of State.

St. Andrew's House, Edinburgh, 1.

7th March 1967.

(a) 1965 c. 49.

SCHEDULE

FORM H

Certificate of Anatomical Examination.

I, (full name in block capitals) am licensed to practise anatomy under the Anatomy Act 1832.

I certify that the body of (full name)

Age

Sex

Who died on at has undergone anatomical examination pursuant to the provisions of the Anatomy Act 1832 at (address of medical school or other place)

Signature

Date.....

EXPLANATORY NOTE

(This note is not part of the regulations.)

These regulations amend the Cremation (Scotland) Regulations 1935 and 1952. Regulations 2 and 6 amend the references to the Act under which deaths must be registered and the regulations prescribing the forms of certificate of registration of death. Regulation 3 enables the Coroner's Certificate to be accepted in the form currently in force under the corresponding English regulations where a death occurs in England and cremation is to take place in Scotland. Regulation 4 provides that an application for cremation (Form A) may be countersigned by a householder to whom the applicant is known instead of one of the limited class of persons previously authorised. Regulations 5 and 10 enable a medical referee to authorise cremation of a body which has undergone anatomical examination if a certificate to that effect has been given by a person licensed under the Anatomy Act 1832. Regulation 7 requires the production of an appropriate certificate of registration before the medical referee may authorise the cremation of the remains of a still-born child. Regulation 8 permits the scattering of ashes by Cremation Authorities where arrangements are not made within a reasonable time for their disposal by the person who applied for cremation. Regulation 9 permits certain cremation records to be destroyed after two years if photographic copies of the records destroyed are retained. Regulation 11 revokes those regulations which prohibit the cremation of the body of a person who has left a written direction to the contrary or the cremation of unidentified human remains and which require a certificate by the Coroner on Form E(2) where the body of a person who died in England is to be cremated in Scotland.