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This title also contains regulations (SI 1988/44, p 141 post) made under the Anatomy Act 1984, Halsbury's Statutes, 4th edn Vol 28, title Medicine and Pharmacy (Pt 1) (brought into force by SI 1988/81, listed ante, subject to transitional provisions). That Act, which repealed and replaced the Anatomy Acts 1832 and 1871, makes provision concerning the use of bodies of deceased persons, and parts of such bodies, for anatomical examination, and about the possession and disposal of such bodies and parts of bodies. The regulations relate to the keeping of records concerning anatomical examinations and anatomical specimens and concerning parts of bodies retained after anatomical examinations have been concluded, and provide for the examination and disposal of bodies and care of parts of bodies.

Burial

A burial authority (within the meaning of the Local Government Act 1972, s 214(1), Halsbury's Statutes, 4th edn Vol 5, title Burial and Cremation) has power to provide and maintain cemeteries under s 214(2) of that Act, and certain of these authorities (ie, the council of a district or London borough, the Common Council of the City of London, and Welsh principal councils) are empowered, under Sch 26, para 11 to the 1972 Act, *ibid*, to make byelaws with respect to the management of any cemetery provided by them. These byelaws (duly confirmed by the Secretary of State) may be adopted by a parish or community council or parish meeting for any cemetery which they provide. Under s 214(3) of the 1972 Act the Secretary of State has power to make, by order, provision with respect to the management, regulation and control of the cemeteries of burial authorities. The order thus made is the Local Authorities' Cemeteries Order 1977, SI 1977/204, p 126 post, and burial authority byelaws have effect subject to this order. Where persons other than a local authority are authorised by statute to construct a cemetery, the Cemeteries Clauses Act 1847, Halsbury's Statutes, 4th edn Vol 5, title Burial and Cremation, may be incorporated therewith by s 1 of that Act, in which case they must make regulations to ensure that all burials are conducted in a decent and solemn manner (see s 38 of that Act). Model regulations issued under s 38 may be obtained from HM Stationery Office.

Local authorities and parish councils have power to provide mortuaries under the Public Health Act 1936, s 198, Halsbury's Statutes, 4th edn Vol 35, title Public Health and Environmental Protection, and the same section authorises them to make byelaws.

The opening of new burial grounds provided under the Local Government Act 1972, s 214, *ibid*, or in Greater London provided otherwise may be prohibited by Order in Council under the Burial Act 1853, s 1 (see Sch 26, para 15 to the 1972 Act). Burials in existing grounds may also be prohibited by Order in Council under the same power. These orders must be published in the London Gazette.

Cremation

The law relating to cremation will mainly be found in the Cremation Act 1902 and the Cremation Act 1952, both Halsbury's Statutes, 4th edn Vol 5, title Burial and Cremation, and the Cremation Act 1902, s 7 etc Regulations 1930, SR & O 1930/1016, post.

The powers of the Local Government Board under the 1902 Act are now exercised by the Secretary of State (ie the Secretary of State for the Environment or, in relation to Wales, the Secretary of State for Wales; see SI 1951/142, 753 and 1900, 1965/319 and 1970/1681, in the title Constitutional Law (Pt 3)).

REGULATIONS AS TO CREMATION SR & O 1930/1016

NOTES

These regulations were made on 28 October 1930 by the Secretary of State (ie, the Home Secretary) under the Cremation Act 1902, s 7, Halsbury's Statutes, 4th edn Vol 5, title Burial and Cremation, and the Births and Deaths Registration Act 1926, s 10, Halsbury's Statutes, 4th edn Vol 37, title Registration Concerning the Individual.

Commencement 9 December 1930; ie, forty days after they were laid before Parliament as provided by the Cremation Act 1902, s 7 (note that regulations under s 7 of the 1902 Act are no longer required to be laid before Parliament for 40 days, following the amendment of that provision by the Cremation Act 1952, s 2(D), (2)).

Amendment These regulations are printed as amended by the Cremation Regulations 1952, 1965 and 1979, SI 1952/1568, 1965/1146 and 1979/1138, and the Cremation (Amendment) Regulations 1985, SI 1985/153.

Interpretation For definitions of "cremation authority", "medical referee" and "the Act of 1926", see the introductory provision of the regulations under the heading "Definitions". The expression "crematorium" is defined in the Cremation Act 1902, s 2, Halsbury's Statutes, 4th edn Vol 5, title Burial and Cremation. A burial authority within the meaning of the Local Government Act 1972, s 214(1), *ibid*, other than a parish meeting, is also a burial authority for the purposes of the Cremation Act 1902; see s 214(3) of the 1972 Act. For the meaning of "statutory declaration", see the Interpretation Act 1978, Sch 1, in the title Statutory Instruments (Pt 2), Vol 1 of this work.

Definitions

"Cremation Authority" means any burial authority or any company or person by whom a crematorium has been established.

"Medical Referee" means a medical referee or a deputy medical referee appointed in pursuance of Regulation 10.

"The Act of 1926" means the Births and Deaths Registration Act 1926.

NOTES

General See also the note "Interpretation" at the head of these regulations, Births and Deaths Registration Act 1926, Halsbury's Statutes, 4th edn Vol 37, title Registration Concerning the Individual; by s 10 that Act does not apply to cremation except as provided in these regulations (or in any further regulations made under the Cremation Act 1902, s 7).

Maintenance and Inspection of Crematoria

1 Every crematorium shall be—

(a) maintained in good working order;

(b) provided with a sufficient number of attendants; and

(c) kept constantly in a cleanly and orderly condition;

Provided that a crematorium may be closed by order of the Cremation Authority if not less than one month's notice be given by advertisement in two newspapers circulating in the locality and by written notice fixed at the entrance to the crematorium.

The Cremation Authority shall give notice in writing to the Secretary of State of the opening or closing of any crematorium.

2 Every crematorium shall be open to inspection at any reasonable time by any person appointed for that purpose by the Secretary of State or by the Minister of Health.

NOTES

Minister of Health Now the Secretary of State (ie, the Secretary of State for the Environment or, in relation to Wales, the Secretary of State for Wales), by virtue of SI 1951/142, 753 and 1900, 1965/319 and 1970/1681, in the title Constitutional Law (Pt 3).

Conditions under which Cremations may take place

3 No cremations of human remains shall take place except in a crematorium of the opening of which notice has been given to the Secretary of State.

4, 5 (Revoked by SI 1965/1146.)

6 Except where an inquest has been (opened) or a post-mortem examination has been made in pursuance of Section 21(1) of the Coroners (Amendment) Act 1926, and a certificate given by a Coroner in Form "F" (see Regulation 8), no cremation shall be allowed until the death of the deceased has been duly registered or a certificate has been given in pursuance of Section 2(2) of the Act of 1926 that the death of the deceased is not required by law to be registered in England.

The production of a duplicate which has been duly issued in pursuance of Section 2(4) of the Act of 1926 may be accepted in lieu of the production of the original certificate in sub-section (1) or sub-section (2).

NOTES

Amendment The word in square brackets was substituted by SI 1965/1146.