

DRAFT REGULATIONS WITH REGARD TO CREMATION.

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 deputy medical referee appointed in pursuance of Regulation 10.

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 papers 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 Local Government Board.

CONDITIONS UNDER WHICH CREMATIONS MAY TAKE PLACE.

3. No cremation 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. It shall not be lawful to cremate the remains of any person if the last wish expressed by him on the subject is known to have been to the contrary.

5. It shall not be lawful to cremate human remains which have not been identified.

6. No cremation shall be allowed until the death of the deceased has been duly registered, except where an inquest has been held and a certificate given by a coroner in Form E (see Regulation 8).

7. No cremation shall be allowed to take place unless application therefor be made, and the particulars stated in the application be confirmed by statutory declaration, in accordance with Form A in the schedule hereto.

The application must be signed and the statutory declaration made by an executor or by the nearest surviving relative of the deceased, or, if made by any other person, must show a satisfactory reason why the application is not made by an executor or by the nearest surviving relative.

8. No cremation shall be allowed to take place unless

- (a) A certificate in Form B be given by a registered medical practitioner who has attended the deceased during his last illness and who can certify definitely as to the cause of death, and a confirmatory medical certificate in Form C be given by another medical practitioner, who must be qualified as prescribed in Regulation 9; or
- (b) A post-mortem examination has been made by a medical practitioner expert in pathology, appointed by the Cremation Authority (or in case of emergency appointed by the Medical Referee), and a certificate given by him in Form D; or

- (c) An inquest has been held and a certificate has been given by the coroner in Form E.

No cremation shall take place except on the written authority of the Medical Referee given in Form F.

9. The confirmatory medical certificate in Form C, if not given by the Medical Referee, must be given by a registered medical practitioner of not less than five years standing who must either

- (a) be appointed for the purpose by the Cremation Authority; or
- (b) hold one of the following appointments:—Medical Officer of Health, Police Surgeon, Certifying Surgeon under the Factory and Workshop Act 1901, Medical Referee under the Workmen's Compensation Act 1897; or
- (c) hold an appointment as physician or surgeon in a public general hospital containing not less than 50 beds.

10. Every Cremation authority shall appoint a Medical Referee, who must be a registered medical practitioner of not less than five years standing and must possess such experience and qualifications as will fit him for the discharge of the duties required of him by these regulations. In making the appointment, preference shall be given among persons otherwise equally qualified to a person holding the office of Coroner or of Medical Officer of Health.

Every Cremation Authority shall also appoint a Deputy Medical Referee possessing the like qualifications to act in the necessary absence of the Medical Referee.

The Cremation Authority on making any such appointment shall notify the name, address, and qualifications of the Medical Referee or Deputy Medical Referee to the Secretary of State.

11. It shall be lawful for the medical referee himself to investigate the cause of death and to give, as the case may require, a certificate in Form C or a certificate after post-mortem examination in Form D. The Medical Referee, if a coroner, may himself give the coroner's certificate in Form E.

12. The duties of the Medical Referee shall be as follows:—

- (1) He shall not allow any cremation to take place if he has reason to think that the last wish expressed by the deceased on the subject was to the contrary.
- (2) He shall not (except where an inquest has been held and a certificate given by a Coroner in Form E) allow any cremation to take place unless he is satisfied that the death of the deceased has been duly registered, by the production of a "Certificate of Registry of Death" on one of the forms provided by the Registrar-General for production in case of burial.
- (3) He shall, before allowing the cremation, examine the application and certificates and ascertain that they are such as are required by these regulations and that adequate inquiry has been made by the persons giving the certificates. He may make any inquiry with regard to the application and certificates that he may think necessary.
- (4) He shall not allow the cremation unless he is satisfied that the application is made by an executor or by the nearest surviving relative of the deceased, or, if made by any other person, that the fact that the executor or nearest relative has not made the application is sufficiently explained, and that the person making the application is a proper person to do so.
- (5) He shall not allow the cremation unless he is satisfied that the fact and cause of death have been definitely ascertained; and in particular, if the cause of death assigned in the medical certificates be such as, regard being had to all the circumstances,

might be due to poison, to violence, to any illegal operation, or to privation or neglect, he shall require a post-mortem examination to be held, and if that fails to reveal the cause of death shall decline to allow the cremation unless an inquest be held and a certificate given by the coroner in Form E.

- (6) If he finds any suspicious circumstance, whether revealed in the certificates or otherwise coming to his knowledge, he shall decline to allow the cremation unless an inquest be held and a certificate given by the coroner in Form E.
- (7) If a coroner has given notice that he intends to hold an inquest on the body, he shall not allow the cremation to take place until the inquest has been held.
- (8) He may in any case decline to allow the cremation without stating any reason.

13. The foregoing regulations, 5 to 12, shall not apply to the cremation of the remains of a deceased person who has already been buried for not less than one year. Such remains may be cremated, subject to such conditions as the Secretary of State may impose in the exhumation licence granted by him or otherwise; and any such cremation in which those conditions are not observed shall be deemed a contravention of these regulations.

14. In the case of any person dying of plague, cholera or yellow fever on board ship or in a hospital or temporary place of reception of the sick provided by a Port or other local authority under the Public Health Acts or by a Hospital Committee under the Isolation Hospital Acts, the Medical Referee, if satisfied as to the cause of death, may dispense with any of the requirements of regulations 4, 5, 6, 7, 8, 9, and 12. These regulations may also be temporarily suspended or modified in any district during an epidemic or for other sufficient reason by an order of the Secretary of State on the application of a Local Authority.

15. Notwithstanding the foregoing regulations 6 to 12, 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 after examination of the body, and if the referee after such inquiries as he may think necessary is satisfied that it was stillborn, and that there is no reason for further examination.

III.—DISPOSITION OF ASHES.

16. After the cremation of the remains of a deceased person the ashes shall be given into the charge of the person who applied for the cremation if he so desires. If not they shall be retained by the cremation authority, and, in the absence of any special arrangement for their burial or preservation, they shall be decently interred in a burial ground or in land adjoining the crematorium reserved for the burial of ashes. In the case of ashes left temporarily in the charge of the cremation authority and not removed within a reasonable time, a fortnight's notice shall be given to the person who applied for the cremation before the remains are interred.

IV.—REGISTRATION OF CREMATIONS, &c.

17. A register of all cremations shall be kept by the cremation authority in Form G, and the entries relating to each cremation shall be filled in by the person having the charge of the crematorium immediately after the cremation has taken place, except the entry in the last column, which shall be filled in as soon as the remains of the deceased have been handed to the relatives or otherwise disposed of.

18. All applications, certificates, statutory declarations and other documents relating to any cremation shall be marked with a number corresponding to the number in the register, shall be filed in order, and shall be carefully preserved by the cremation authority.

All such registers and documents shall be open to inspection at any reasonable hour by any person appointed for that purpose by the Secretary of State, the Local Government Board or the Chief Officer of any Police Force.

19. When any crematorium is closed as provided in Regulation 1, the Cremation Authority shall send all registers and documents relating to the cremations which have taken place therein to the Secretary of State, or otherwise dispose of them as he may direct.

20. The Secretary of State may make any inquiry he thinks fit as to the carrying out of these Regulations in connection with any Crematorium.

SCHEDULE—DRAFT FORMS.

Form A.

Application for Cremation, with Statutory Declaration.

I, (name of applicant) _____
 (address) _____
 (occupation) _____
 apply to the _____
 to undertake the cremation of the remains of
 (name of deceased) _____
 (address) _____
 (occupation) _____
 (age) _____ (sex) _____
 (whether married or not) _____

The true answers to the questions set out below are as follows :—

1. Are you an executor or the nearest surviving relative of the deceased?
2. If not, state
 - (a) Your relationship to the deceased.
 - (b) The names and addresses of the nearer surviving relatives and their relationship to the deceased.
 - (c) The reason why the application is made by you.
3. Did the deceased express orally or in writing any wish as to the mode of disposal of his remains?
4. Have the near relatives* of the deceased been informed of the proposed cremation?

* The term "near relative" as here used includes widow or widower, parents, children