
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which extend to Scotland only, amend the Cremation (Scotland) Regulations 1935 (“the principal Regulations”), making provision concerning the cremation of parts of the body of a deceased person, those parts having been removed in the course of a post-mortem examination.

Regulation 2 amends regulation 7 of the principal Regulations, which prohibits cremations unless an application in a specified form has been completed in accordance with that regulation. The amendment inserts a reference to the new application Form AA which must be completed for the cremation of body parts.

Paragraph (3) of regulation 2 inserts a new regulation 15A into the principal Regulations. This provision has the effect of prohibiting the cremation of body parts unless the Medical Referee is satisfied of several matters: that the parts were removed in the course of a post-mortem examination carried out on the deceased, that the death has been duly registered, and that a proper application for the cremation has been submitted. In cases where the Medical Referee cannot be satisfied of such matters, the Scottish Ministers may still authorise the Medical Referee to allow the cremation of body parts.

Paragraph (4) of regulation 2 amends regulation 18 of the principal Regulations, obliging the registrar to maintain a register for the cremation of body parts.

Paragraphs (5) to (8) of regulation 2 insert new forms into the Schedule to the principal Regulations. New Form AA is the application form for the cremation of body parts which must be completed by the proper person. New Form DD is the certification to be given by the appropriate person on behalf of the hospital trust or other authority which has the body parts confirming that the specified body parts were removed during a post-mortem examination and certifying that there is no reason for any further inquiry or examination and that the body parts are released for cremation in a suitable condition. New Form FF is the written authority to cremate the body parts to be completed by the Medical Referee, and new Form GG sets out the form in which the registrar of the cremation authority must record the details of the cremation in the register.