
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and replace the Regulations made by the Secretary of State under section 7 of the Cremation Act 1902 and section 10 of the Births and Deaths Registration Act 1926, dated 28th October 1930. They reproduce many of the provisions made in the 1930 Regulations and introduce some new provisions.

Part 2 sets out the requirements for the maintenance and inspection of crematoria. Part 3 contains the provisions relating to a medical referee. Provision is made so that more than one deputy medical referee may be appointed and for a deputy medical referee to perform the functions of the medical referee in a wide range of circumstances. A medical referee or a deputy may also perform the functions of the medical referee appointed for another cremation authority in an emergency.

Part 4 sets out the conditions under which cremations may take place, in particular, the documentation that must be provided before a cremation may be authorised. The forms in Schedule 1 to the Regulations must be used in the cases to which they apply.

Regulation 22 makes new provision so that where the person who applied for the cremation, or someone nominated by that person, has given a contact telephone number to the cremation authority, the cremation authority is required to make all reasonable attempts to notify that person when the medical certificates giving details as to the deceased's cause of death are available for inspection. The applicant, or the person nominated by them, then has 48 hours to inspect the certificates and make any representations to the medical referee.

Regulation 23(2) enables a medical referee to authorise a cremation if satisfied that the cremation authority has made all reasonable efforts to make contact with the person who has given their contact telephone number to the cremation authority but has been unable to do so within 48 hours from the time it received the certificates.

Part 5 deals with the incineration of body parts, Part 6 deals with the disposal or interment of ashes, and Part 7 with the registration of cremations and the preservation of the documents relating to the cremation.

Part 8 contains revocations, savings and transitional provisions. Medical referees, deputy medical referees and registrars appointed under the 1930 Regulations are treated as having been appointed under these Regulations. The forms in the Schedule to the 1930 Regulations can continue to be used in relation to a cremation held before 1st February 2009.

A partial regulatory impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from the Coroners Unit, Ministry of Justice, 2nd floor tower (2.39), 102 Petty France, London SW1H 9AJ and can be found at <http://www.justice.gov.uk/publications/cp1107.htm>.