STATUTORY INSTRUMENTS

2017 No. 1238

CREMATION, ENGLAND AND WALES

The Cremation (England and Wales) (Amendment) Regulations 2017

Made - - - -	*18th December 2017*
Laid before Parliament	*21st December 2017*
Coming into force - -	*6th April 2018*

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 7 of the Cremation Act 1902(**1**):

Citation and commencement

1. These Regulations may be cited as the Cremation (England and Wales) (Amendment) Regulations 2017 and come into force on 6th April 2018.

Amendment of the Cremation (England and Wales) Regulations 2008

2. The Cremation (England and Wales) Regulations 2008(**2**) are amended as follows.

Amendment of regulation 2 (interpretation)

3. In regulation 2(1), in the definition of "cremation authority" for "article" substitute "regulation".

Amendment of regulation 14 (forms)

4. After regulation 14(1) insert—

"(1A) A form set out in Schedule 1 may be used in electronic form, provided that it has the electronic signature of any person who is required to sign it.

(**1**) 1902 c.8. Section 7 was amended by Part 5 of Schedule 11 to the Finance Act 1949 (c.47) and by section 2(1) and (2) of the Cremation Act 1952 (c.31). By virtue of section 10 of the Births and Deaths Registration Act 1926 (c.48), the power to make regulations under section 7 of the Cremation Act 1902 includes a power to make regulations for the purpose of applying the provisions of the Births and Deaths Registration Act 1926 to cases where human remains are disposed of by cremation.

(**2**) S.I. 2008/2841, as amended by S.I. 2013/1869, 2015/1360, 2016/883, and 2016/1154.

(1B) In paragraph (1A), "electronic signature" has the meaning given in section 7(2) of the Electronic Communications Act 2000(**3**).

(1C) Any reference in these Regulations to a form set out in Schedule 1 is to be regarded as including—

(a) a form which contains all the information required by that form, but the format of which differs in an immaterial respect;

(b) a Welsh language version, or an English and Welsh language version, of that form.".

Amendment of regulation 29 (incineration of body parts)

5. In regulation 29(2), for the definition of "incinerated" substitute—

""incinerated" means burnt in an incinerator as part of an activity in Part B(b) in section 5.1 of Part 2 of Schedule 1 to the Environmental Permitting (England and Wales) Regulations 2016(**4**);".

Amendment of regulation 30 (disposal of ashes)

6. In regulation 30—

(a) for paragraphs (1) and (2) substitute—

"(1) Subject to paragraph (2) and regulation 37(5) and (6), after a cremation the cremation authority—

(a) must dispose of the ashes in accordance with the applicant's instructions for ashes; or

(b) in any case where the applicant does not give instructions for ashes, or where the ashes are not collected in accordance with those instructions, may dispose of the ashes in accordance with paragraph (3);

where "instructions for ashes" means the instructions given on the application form completed by the applicant, or any subsequent written instructions given by the applicant to the cremation authority.

(2) In exceptional circumstances the cremation authority may at their discretion release the ashes to someone other than the applicant or the applicant's nominee.",

(b) in paragraph (3), for "Subject to any special arrangements for the burial or preservation of the ashes, any ashes retained" substitute "Where paragraph (1)(b) applies, any ashes held",

(c) in paragraph (4), for the words from "unless 14 days" to the end, substitute "unless the cremation authority has made reasonable attempts to give the applicant 14 days' notice of their intention to do so".

Amendment of regulation 37 (savings and transitional provisions)

7. In regulation 37—

(a) for paragraph (3) substitute—

"(3) Notwithstanding the coming into force of the Cremation (England and Wales) (Amendment) Regulations 2017(**5**) on 6th April 2018, forms—

(**3**) 2000 c.7. Section 7(2) was amended by S.I. 2016/696 and provides that an electronic signature is so much of anything in electronic form as: (a) is incorporated into or otherwise logically associated with any electronic communication or electronic data, and (b) purports to be used by the individual creating it to sign.
(**4**) S.I. 2016/1154.
(**5**) S.I. 2017/1238.

(a) "Cremation 1" (Application for cremation of the body of a person who has died), "Cremation 2" (Application for cremation of body parts), and "Cremation 3" (Application for cremation of stillborn baby), set out in Schedule 1 to these Regulations as in force before that date; and

(b) submitted to the cremation authority before that date;

may be used in the cases to which they apply in relation to any cremation held on or after that date.",

(b) after paragraph (4) insert—

"(5) Paragraph (6) applies in any case where, on or after 6th April 2018—

(a) a cremation authority holds ashes from a cremation; and

(b) the application for that cremation was made on one of the forms referred to in paragraph (3)(a).

(6) Where this paragraph applies—

(a) "instructions for ashes" in regulation 30(1) means—

(i) any written instructions, or other instructions, given by the applicant to the cremation authority before 6th April 2018;

(ii) any written instructions given by the applicant to the cremation authority on or after 6th April 2018;

(b) if no instructions for ashes are given in accordance with sub-paragraph (a), the cremation authority must retain the ashes, subject to regulation 30(2) to (4).".

Amendment of Schedule 1 (forms)

8. In Schedule 1 (forms), for the forms—

(a) "Cremation 1" (Application for cremation of the body of a person who has died),

(b) "Cremation 2" (Application for cremation of body parts), and

(c) "Cremation 3" (Application for cremation of stillborn baby),

substitute the forms set out in the Schedule to these Regulations.

Phillip Lee
Parliamentary Under Secretary of State
Ministry of Justice

18th December 2017

SCHEDULE Regulation 8

Forms

Application for cremation of the body of a person who has died

Cremation 1
replacing Cremation 1 issued 2009

10.17

This form can only be completed by a person who is at least 16 years of age.
Please complete this form in full, if a part does not apply enter 'N/A'.

Part 1 Details of the crematorium

Name of crematorium where cremation will take place

Name of funeral director

Telephone number

Part 2 Your details (the applicant)

Your full name

Address

Telephone number

Email

Part 3 Details of the person who has died

Full name

Address

Occupation or last occupation if retired or not in work at date of death

Regulation 16(1)(a) of the Cremation (England and Wales) Regulations 2008

Part 3 continued

Age at date of death

Sex

☐ Male ☐ Female

Status

☐ married/civil partnership ☐ widow/widower/surviving civil partner ☐ Single

Part 4 The application

1. Are you a near relative or an executor of the person who has died? ☐ Yes ☐ No

Near relative means the widow, widower or surviving civil partner of the person who has died, or a parent or child of the person who has died, or any other relative usually residing with the person who has died.

If No, please give the nature of your relationship and explain why you are making the application rather than a near relative or an executor.

2. Is there any near relative(s) or executor(s) who has not been informed of the proposed cremation? ☐ Yes ☐ No

If Yes, please give the name(s) and the reason(s) why they have not been contacted.

3. Has any near relative or executor expressed any objection to the proposed cremation? ☐ Yes ☐ No

If Yes, please give details.

4. What was the date and time of death of the person who has died?

Date / / Time