SCOTTISH STATUTORY INSTRUMENTS

2003 No. 301

CREMATION

The Cremation (Scotland) Amendment Regulations 2003

Made - - - -	*5th June 2003*
Laid before the Scottish Parliament - - - -	*6th June 2003*
Coming into force - -	*27th June 2003*

The Scottish Ministers, in exercise of the powers conferred by section 7 of the Cremation Act 1902(**1**) and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation, commencement, extent and interpretation

1.—(1) These Regulations may be cited as the Cremation (Scotland) Amendment Regulations 2003 and come into force on 27th June 2003.

(2) These Regulations extend to Scotland only.

(3) In these Regulations "the principal Regulations" means the Cremation (Scotland) Regulations 1935(**2**).

Amendment of principal Regulations

2.—(1) In the section entitled "Definitions" in the principal Regulations there is inserted, at the end–

> ""body parts" means any organs and tissue removed from a deceased person during the course of a post mortem examination;
>
> "the 1965 Act" means the Registration of Births, Deaths and Marriages (Scotland) Act 1965(**3**).".

(2) In regulation 7(2) of the principal Regulations, after "Form A" there is inserted "or Form AA as the case may be".

(3) After regulation 15 of the principal Regulations there is inserted–

(**1**) 1902 c. 7; section 7 was amended by Schedule 11, Part V to the Finance Act 1949 (c. 47) and by section 2 of the Cremation Act 1952 (c. 31). The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).
(**2**) S.R & O. 1935/247, as amended by S.I.1952/1639, 1967/398 and 1985/820.
(**3**) 1965 c. 49.

"**15A.**—(1) Regulations 6, 8 to 9, 11 and 12 above shall not apply to the cremation of body parts.

(2) Cremation of body parts shall only take place in accordance with the following provisions of this regulation.

(3) Subject to paragraph (4) below the Medical Referee shall permit the cremation of body parts only where satisfied–

(a) by the production of a certificate in Form DD in the Schedule hereto or, if such a certificate cannot be produced, by such other evidence as is produced, that the body parts were removed in the course of a post mortem examination carried out on the body of the deceased;

(b) by the production of–

(i) a certificate in pursuance of section 27 of the 1965 Act; or

(ii) a duly authenticated extract of the entry of the death in the relevant register issued pursuant to sections 37, 38 or 41 of the 1965 Act,

that the death of the deceased from whom the body parts have been removed has been duly registered; and

(c) that application has been made in Form AA in the Schedule hereto and in accordance with the requirements of regulation 7 above.

(4) Where the death or post mortem examination took place outside Scotland, certificates or copies having the like or similar effect to those referred to in paragraph (3)(a) and (b) above shall be sufficient to meet the requirements of those sub paragraphs.

(5) The Medical Referee may make such inquiry with regard to the application and certificates required by paragraphs 3 and 4 above as that Referee considers appropriate.

(6) No cremation of body parts shall take place except on the written authority of the Medical Referee given in Form FF in the Schedule hereto.

(7) Where the Medical Referee is not satisfied as to the matters set out in paragraph (3)(a) or (b) above, the Scottish Ministers may, if satisfied that the case is one in which cremation may properly take place, authorise the Medical Referee to allow the cremation to proceed.".

(4) In regulation 18 of the principal Regulations–

(a) after "Form G" insert "or Form GG as the case may be"; and

(b) after "except" insert ", in the case of Form "G",".

(5) In the Schedule to the principal Regulations, there is inserted after Form A–

"FORM AAApplication for cremation of body parts

I (*Name of applicant*)
(*Address*)
(*Occupation*)
apply to the
to undertake the cremation of the (specify organs or tissue to be cremated)
of
(*Name of deceased*)
(*Address*)
(*Occupation*)
(*Age*) (*Sex*)
(*Whether married, widow, widower, or unmarried*)
those body parts having been removed in the course of a post-mortem examination.

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 reason why the application is made by you and not by an executor or any nearer relative.