pension; paragraph (1) provides that a part of such a pension (being a part payable at not less than the specified rate and referred to, in the Regulations, as the secured portion) shall not, except for a cause prescribed under section 7 (1) (*c*), be withdrawn or, save as respects a period before insured pensionable age, suspended (the expression "secured portion" is defined in Regulation 8 (6)); paragraph (2) makes consequential amendments to the Order mentioned above, under which fire service pensions are payable.

Regulation 4 provides for the reduction of certain awards under that Order where a payment in lieu of contributions under the Act of 1959 is also payable.

Regulations 5 and 6 provide that, where account is taken of a period of service or employment for the purposes both of a fire service pension and of graduated retirement benefit under the National Insurance scheme, the fire service pension shall be abated.

Regulation 7 provides that where account is taken of a period of service or employment for the purposes both of an ill-health pension, being a pension of which the secured portion is payable by virtue of Regulation 3 (2) (*a*), and of some other fire service pension, the latter shall be abated by the secured portion of the former.

1961. No. 61 **[C]**

PUBLIC HEALTH

Cremation

REGULATIONS*, DATED 16TH MARCH, 1961, MADE BY THE MINISTER OF HEALTH AND LOCAL GOVERNMENT UNDER SECTION SEVEN OF THE CREMATION ACT, 1902, AS APPLIED BY SECTION TWENTY-SIX OF THE BELFAST CORPORATION (GENERAL POWERS) ACT (NORTHERN IRELAND), 1948.

The Minister of Health and Local Government, in exercise of the powers conferred upon him by section seven of the Cremation Act, 1902(**a**), as applied by section twenty-six of the Belfast Corporation (General Powers) Act (Northern Ireland), 1948(**b**), and of all other powers enabling him in that behalf, hereby makes the following regulations:—

Short title

1. These regulations may be cited as the Cremation (Belfast) Regulations (Northern Ireland), 1961.

Interpretation

2. In these regulations the expression "Cremation Authority" means the Council of the County Borough of Belfast.

"Medical Referee" means a medical referee or a deputy medical referee appointed in pursuance of regulation 11.

"Ministry" means the Ministry of Health and Local Government for Northern Ireland.

(**a**) 2 Ed. 7. c. 8. (**b**) 1948. c. i.

*These regulations, having lain before both Houses of Parliament for the statutory period, came into force on the 27th June, 1961.

"Health Authority" has the meaning given to it in the Public Health and Local Government (Administrative Provisions) Act (Northern Ireland), 1946(a).

Maintenance and Inspection of Crematorium

3. The crematorium shall be—

(*a*) maintained in good working order;

(*b*) provided with a sufficient number of attendants; and

(*c*) kept constantly in a clean and orderly condition.

Provided that the crematorium may be closed by order of the Cremation Authority if not less than one month's notice be given by advertisement in two newspapers 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 Ministry of the opening or closing of the crematorium.

4. The crematorium shall be open to inspection at any reasonable time by any person appointed for that purpose by the Ministry.

Conditions under which Cremations may take place

5. No cremations of human remains shall take place in the crematorium until notice of the opening has been given to the Ministry.

6. It shall not be lawful to cremate the remains of any person who is known to have left a written direction to the contrary.

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

8. Except where an investigation has been made in pursuance of section 11(1) of the Coroners Act (Northern Ireland), 1959(b), or where an inquest has been held or where a post-mortem examination has been made in pursuance of section 28(1) of the Coroners Act (Northern Ireland), 1959, and a certificate given by the Coroner in Form E, no cremation shall be allowed to take place until the death of the deceased has been duly registered and there has been produced—

(*a*) a certificate of registration by a Registrar of Births and Deaths in the form of Form D in the First Schedule appended to the Births and Deaths Registration Act (Ireland), 1880(c); or

(*b*) a certificate of Registration issued by a Registrar of Births and Deaths in the form of Form 3 in the Schedule to the Order(d) made under the Registration of Still-Births Act (Northern Ireland), 1960(e); or

(*c*) an equivalent certificate of registration in Scotland; or

(*d*) if death occurred in England or Wales an acknowledgment by a Coroner that notice of the intention to remove the body out of England or Wales has been received by him together with an intimation that he does not intend to hold an inquest.

9. No cremation shall be allowed to take place unless application therefor be made, and the particulars stated in the application be confirmed by statutory

(a) 1946. c. 19.
(b) 1959. c. 15.
(c) 43 & 44 V. c. 13.
(d) S.R. & O. (N.I.) 1960, No. 211.
(e) 1960. c. 18.

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.

Provided that an application for the cremation of the remains of a still-born child shall be made in accordance with Form H in the Schedule hereto.

10. Except as hereafter provided, no cremation shall be allowed to take place unless—

(*a*) a certificate in Form B in the Schedule has been 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 in the Schedule has been given by a registered medical practitioner of not less than five years' standing who is not a relative of the deceased or a relative, partner or assistant of the practitioner who has given the certificate in Form B or by the Medical Referee acting under regulation 12; or

(*b*) where the application relates to the body of a still-born child a certificate in Form I in the Schedule has been given by the Registered Medical Attendant present at the still-birth or who has examined the body or by a Certified Midwife where no doctor was present at the still-birth, or has examined the body; or

(*c*) a post-mortem examination has been made by a registered medical practitioner approved under section 26 of the Coroners Act (Northern Ireland), 1959, and appointed by the Cremation Authority (or in case of emergency appointed by the Medical Referee) and a certificate given by him in Form D in the Schedule; or

(*d*) a post-mortem examination has been made and the cause of death has been certified by the Coroner under section 28, sub-section 2 of the Coroners Act (Northern Ireland), 1959, and a certificate has been given by the Coroner in Form E; or

(*e*) an inquest has been held and the cause of death has been certified by the Coroner and a certificate has been given by the Coroner in Form E; provided that in any case in which the death occurs in connection with an industrial, railway, flying or road accident and the Coroner adjourns the inquest with a view to the investigation of the causes of the accident, he may give a certificate in Form E with the necessary modifications if he is satisfied that death was due to an accident, without waiting for the termination of the inquest; or

(*f*) an inquest is considered unnecessary 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 in the Schedule.

11. The Cremation Authority shall with the approval of the Ministry appoint a Medical Referee and a Deputy Medical Referee, who must be registered medical practitioners of not less than five years' standing and must possess such experience and qualifications as will fit them for the discharge of the duties required of them by these regulations. The Medical Referee or Deputy Medical Referee if otherwise qualified may be a person holding the office of Medical Officer of Health.

The Deputy Medical Referee shall act in the absence of the Medical Referee and in any case in which the Medical Referee has been the medical attendant of the deceased, or of the mother in the case of a still-born child.

12. It shall be lawful for the Medical Referee if he has personally investigated the cause of death to give a certificate in Form C, and if he has been approved under section 26 of the Coroners Act (Northern Ireland), 1959, and has made the post-mortem examination to give a certificate in Form D.

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

(*a*) He shall not allow any cremation to take place if it appears that the deceased left a written direction to the contrary.

(*b*) He shall not allow any cremation to take place if the remains have not been identified.

(*c*) He shall, before allowing the cremation, examine the application and certificates referred to in Regulations 8 and 10 (including the acknowledgment and intimation by a Coroner referred to in Regulation 8(*d*) if any) and ascertain that they are such as are required by these regulations and that the inquiry made by the persons giving the certificates has been adequate. He may make any inquiry with regard to the application and certificates that he may think necessary.

(*d*) 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.

(*e*) 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 such circumstances as may require investigation he shall require a post-mortem examination to be held by a registered medical practitioner approved under section 26 of the Coroners Act (Northern Ireland), 1959, and if that fails to reveal the cause of death, shall decline to allow the cremation unless a certificate is given by the Coroner in Form E.

(*f*) If it appears that the deceased person died either directly or indirectly as a result of violence or misadventure or by unfair means, or as a result of negligence or misconduct or malpractice on the part of others, or from any cause other than natural illness or disease for which he had been seen and treated by a registered medical practitioner within twenty-eight days prior to his death or in such circumstances as may require investigation (including death as the result of the administration of an anaesthetic) or if there is any suspicious circumstances whatsoever, whether revealed in the certificates or otherwise coming to his knowledge, he shall decline to allow the cremation unless a certificate is given by the Coroner in Form E.

(*g*) If it appears that a still-birth was due to malpractice or to inattention at birth he shall decline to allow cremation of the body of the still-born child unless a certificate is given by the Coroner in Form E.

(*h*) Where the facts and circumstances of the death have been notified to a Coroner, the Medical Referee shall not allow the cremation to take place until a certificate is given by the Coroner in Form E.

(*i*) He may refuse to grant authority for the cremation until he has himself examined the body and may in any case decline to allow the cremation without stating any reason.

(*j*) He shall make such reports to the Ministry as may from time to time be required.

14. (*a*) In the case of the remains of a person who has died (or a child which was still-born) in England or Wales, the Medical Referee may accept an application and certificates made or given in accordance with regulations made in pursuance of section 7 of the Cremation Act, 1902, as amended by the Cremation Act, 1952(**a**), and section 10 of the Births and Deaths Registration Act, 1926(**b**), and having effect in England and Wales.

(*b*) In the case of the remains of a person who has died (or a child which was still-born) in Scotland, the Medical Referee may accept an application and certificates made or given in accordance with regulations made in pursuance of section 7 of the Cremation Act, 1902, as amended by the Cremation Act, 1952, and having effect in Scotland.

(*c*) In the case of the remains of a person who has died (or a child which was still-born) in any other place out of Northern Ireland, the Medical Referee may accept an application containing the particulars prescribed in Form A or H if it be accompanied by a declaration by the applicant that all the particulars given therein are true to the best of his knowledge and belief, made before any person having authority in that place to administer an oath or take a declaration and he may accept certificates in Forms B, C, D and I, if they be signed by any medical practitioners who are shown to his satisfaction to possess qualifications substantially equivalent to those prescribed in the case of each certificate by these regulations.

In any such last-mentioned case the Ministry, if satisfied that the case is one in which cremation may properly take place, may authorise the Medical Referee to allow the cremation without the production of Forms B, C and I.

15. Regulations 7-14 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 Ministry may impose in the exhumation order granted by it or otherwise; and any such cremation in which those conditions are not observed shall be deemed a contravention of these regulations.

16. In the case of any person dying of plague, cholera, yellow fever, anthrax or smallpox, typhus or relapsing fever, the Medical Referee, if satisfied as to the cause of death, may, where application is made by or with the consent of a Health Authority, dispense with any of the requirements of Regulations 6, 7, 8, 9, 10 and 13, subject to the consent of the Ministry.

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 Ministry on the application of a Health Authority.

Disposition of ashes

17. 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

(**a**) 15 & 16 Geo. 6 and 1 Eliz. 2, c. 31. (**b**) 16 & 17 Geo. 5, c. 48.