



Cremation Act 1902

1902 CHAPTER 8

An Act for the regulation of the burning of Human Remains, and to enable Burial Authorities to establish Crematoria. [22nd July 1902]

BE IT ENACTED by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1 Short title.

This Act may be cited as the Cremation Act, 1902.

2 Definitions.

In this Act—

The expression "burial authority" shall mean any burial board, any council, committee, or other local authority having the powers and duties of a burial board, and any local authority maintaining a cemetery under the Public Health (Interments) Act, 1879, or under any local Act;

The expression "crematorium" shall mean any building fitted with appliances for the purpose of burning human remains, and shall include everything incidental or ancillary thereto.

3 Application to Scotland.

In the application of this Act to Scotland—

The expression "burial authority" shall mean the parish council or town council of any parish or burgh, as the case may be, vested with the powers and duties conferred by the Burial Grounds (Scotland) Act, 1855, or any Act amending the same;

The expression "the Local Government Board" shall mean the Local Government Board for Scotland;

The expression " Secretary of State" shall mean the Secretary for Scotland.

4 Burial authority may provide for cremation.

The powers of a burial authority to provide and maintain burial grounds or cemeteries, or anything essential, ancillary, or incidental thereto, shall be deemed to extend to and include the provision and maintenance of crematoria:

Provided that no human remains shall be burned in any such crematorium until the plans and site thereof have been approved by the Local Government Board, and until the crematorium has been certified by the burial authority to the Secretary of State to be complete, built in accordance with such plans, and properly equipped for the purpose of the disposal of human remains by burning.

5 Site of crematorium.

No crematorium shall be constructed nearer to any dwelling house than two hundred yards, except with the consent, in writing, of the owner, lessee, and occupier of such house, nor within fifty yards of any public highway, nor in the consecrated part of the burial ground of any burial authority.

6 Donations of land.

A burial authority may accept a donation of land for the purpose of a crematorium, and a donation of money or other property for enabling them to acquire, construct, or maintain a crematorium.

7 Regulations as to burning.

The Secretary of State shall make regulations as to the maintenance and inspection of crematoria and prescribing in what cases and under what conditions the burning of any human remains may take place, and directing the disposition or interment of the ashes, and prescribing the forms of the notices, certificates, and declarations to be given or made before any such burning is permitted to take place, such declarations to be made under and by virtue of the Statutory Declarations Act, 1835, and also regulations as to the registration of such burnings as have taken place. A copy of such regulations shall be laid before both Houses of Parliament, if Parliament be then sitting, or, if not, then within three weeks after the beginning of the next ensuing Session of Parliament; and, after such regulations have lain for forty days before Parliament, then, unless within such forty days an address has been presented by one or other of the' said Houses praying His Majesty to withhold his assent from such regulations or any part thereof, such regulations shall have' the same effect as if they were enacted in this Act. All statutory provisions relating to the destruction and falsification of registers of burials, and the admissibility of extracts therefrom as evidence in courts and otherwise, shall apply to the register of burnings directed by such regulations to be kept, and the Stamp Act, 1891, shall apply to a register under this Act as if it were a register of burials.

8 Penalties for breach of regulations, &c.

- (1) Every person who shall contravene any such regulation as aforesaid, or shall knowingly carry out or procure or take part in the burning of any human remains except in accordance with such regulations and the provisions of this Act, shall (in addition

to any liability or penalty which he may otherwise incur) be liable on summary conviction to a penalty not exceeding fifty pounds. Provided that any person aggrieved by any conviction may appeal therefrom to quarter sessions.

- (2) Every person who shall wilfully make any false declaration or representation, or sign or utter any false certificate, with a view to procuring the burning of any human remains, shall (in addition to any penalty or liability which he may otherwise incur) be liable to imprisonment with or without hard labour not exceeding two years.
- (3) Every person who with intent to conceal the commission or impede the prosecution of any offence, procures or attempts to procure the cremation of any body, or with such intent makes any declaration or gives any certificate under this Act, shall be liable to conviction on indictment to penal servitude for a term not exceeding five years.

9 Fees.

The burial authority may demand payment of any such charges or fees for the burning of human remains in any crematorium provided by them as may be authorised by any table approved by the Local Government Board, and such charges or fees, and any other expenses properly incurred in or in connection with the cremation of a deceased person, shall be deemed to be part of the funeral expenses of the deceased.

10 Saving for coroners.

Nothing in this Act shall interfere with the jurisdiction of any coroner under the Coroners Act, 1887, or any Act amending the same, and nothing in this Act shall authorise the burial authority or any person to create or permit a nuisance.

11 Incumbent not to be obliged to perform burial service.

The incumbent of any ecclesiastical parish shall not, with respect to his parishioners or persons dying in his parish, be under any obligation to perform a funeral service before, at, or after the cremation of their remains, within the ground of a burial authority, but, upon his refusal so to do, any clerk in Holy Orders of the Established Church not being prohibited under ecclesiastical censure, may, with the permission of the bishop and at the request of the executor of the deceased person, or of the burial authority, or other person having charge of the cremation or interment of the cremated remains, perform such service within such ground.

12 Fees may be fixed.

In any table of fees respecting burials to be made or approved by the Secretary of State, a fee may be fixed in respect of a burial service before, at, or after cremation, and if no fee is fixed, the fee, if any, fixed in respect of a burial service shall apply.

13 Application of 10 & 11 Vict. c. 65 ss. 52 and 57.

Sections fifty-two and fifty-seven of the Cemeteries Clauses Act, 1847, and any similar provisions in any local and personal Act authorising the making of a cemetery, shall apply to the disposition or interment of the ashes of a cremated body as if it were the burial of a body.

Status: This is the original version (as it was originally enacted).

14 Repeal of local Acts.

As from the date at which regulations under this Act come into force, any provisions of any local and personal Act for the like purpose as this Act, and any byelaws or regulations made thereunder, shall, so far as they relate to that purpose, cease to be in operation.

15 Commencement of Act.

This Act shall come into operation on the first day of April one thousand nine hundred and three.

16 Extent of Act.

This Act shall not apply to Ireland.