

STATES OF JERSEY



Jersey

DRAFT CREMATION (SUSPENSION AND MODIFICATION OF REGULATIONS – COVID-19) (JERSEY) REGULATIONS 202-

**Lodged au Greffe on 20th March 2020
by the Minister for Health and Social Services**

STATES GREFFE

REPORT

1. Introduction

- 1.1 This legislation is drafted in response to the Covid-19 pandemic.
- 1.2 The Draft Cremation (Suspension and Modification of Regulations – Covid-19) (Jersey) Regulations 202- (the “draft Regulations”) amend the current [Cremation \(Jersey\) Regulations 1961](#) (“the 1961 Regulations”).
- 1.3 It is a proposed temporary measure which will expire on 30th September 2020.

2. Legislation

- 2.1 Under Regulation 6 of the 1961 Regulations no cremation shall be permitted unless the application to cremate is accompanied by a *certificate of medical attendant* and a *confirmatory medical certificate*.
- 2.2 The draft Regulations bring forward two changes –
 - (a) They remove the requirement for a confirmatory medical certificate to be present when a cremation is authorised. This will significantly reduce the burden on registered medical practitioners, as a confirmatory medical certificate can only be completed by an registered medical practitioner who is not a relative of the deceased nor a relative or partner of the practitioner who signed the certificate of medical attendant.
 - (b) Regulation 7 of the 1961 Regulations currently requires that a medical referee shall not permit any cremation to take place unless they are satisfied that the application for cremation is completed and accompanied by both the certificates. The draft Regulations provide the Medical Referees with the discretion to authorise an application to cremate without a certificate of medical attendant being present during a period of where the cause of death is due to or related to Covid-19. This is to remedy the forecast significant pressures on both medical referees and the primary care sector during the period of an epidemic.

3. Financial and manpower implications

There are no financial or manpower implications for the States arising from the adoption of these draft Regulations.

EXPLANATORY NOTE

These draft Regulations would suspend the requirement, in Regulation 6 of the Cremation (Jersey) Regulations 1961, for a second registered medical practitioner to certify death for the purposes of an application for cremation. Regulation 7 of those Regulations is also modified to confer a discretion on the Medical Referee to permit cremation without a certificate of death. These modifications would have effect only for the purposes of dealing with the current coronavirus epidemic. The Regulations would come into force immediately upon being made.



Jersey

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Made [date to be inserted]
Coming into force [date to be inserted]

THE STATES make these Regulations under Article 3 of the Cremation (Jersey) Law 1953¹ –

1 Modification of principal Regulations

- (1) The Cremation (Jersey) Regulations 1961² (the “principal Regulations”) apply with the variations set out in Regulations 2 and 3 of these Regulations.
- (2) These Regulations apply without prejudice to the Minister’s exercise of the power conferred by Regulation 11(1) of the principal Regulations.

2 Regulation 6 of the principal Regulations suspended in part

In Regulation 6 (certificates to accompany application) of the principal Regulations, paragraph (a) applies as though the words “, together with a confirmatory medical certificate, in the form set out in Schedule 3, signed by another registered medical practitioner who has been registered as a fully registered medical practitioner under the Medical Act 1956 of the United Kingdom for a period of not less than 5 years, being neither a relative of the deceased nor a relative or partner of the practitioner who signed the first-mentioned certificate” were deleted.

3 Regulation 7 of the principal Regulations modified

Regulation 7 (powers and duties of medical referee) of the principal Regulations applies as though –

- (a) in paragraph (1)(c) –
 - (i) for “certificates” in each place there were substituted “certificate”, and
 - (ii) for “persons” there were substituted “person”;
- (b) after paragraph (2) there were inserted –

“(3) Despite paragraphs (1) and (2), a medical referee may, during the epidemic of infectious disease caused by the covid-19 coronavirus, and if he or she considers that the cause of death is due to or related to such disease, permit a cremation to take place without being satisfied as to the matters mentioned in paragraph (1)(c).”.

4 Citation, commencement and duration

These Regulations –

- (a) may be cited as the Cremation (Suspension and Modification of Regulations – Covid-19) (Jersey) Regulations 202-;
- (b) come into force immediately after they are made; and
- (c) expire on 30th September 2020.

ENDNOTES

Table of Endnote References

<i>1</i>	<i>chapter 20.075</i>
<i>2</i>	<i>chapter 20.075.60</i>