

# STATES OF JERSEY



Jersey

## **DRAFT CREMATION (SUSPENSION AND MODIFICATION OF REGULATIONS – COVID-19) (No. 2) (JERSEY) REGULATIONS 202-**

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

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**STATES GREFFE**



## REPORT

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### 1. Introduction

1.1 The Draft Cremation (Suspension and Modification of Regulations – Covid-19) (No. 2) (Jersey) Regulations 202- (the “draft Regulations”) amend the current [Cremation \(Jersey\) Regulations 1961](#) (the “1961 Regulations”).

1.2 It is a proposed temporary measure which will expire on 30th September 2020.

1.3 In April 2020 in response to the outbreak of Covid-19 in Jersey, the Health and Community Services Department formed a Community Death Certification Team; the team is made up of a limited number of trained medical practitioners who currently certify all deaths that occur in Jersey. The formation of the team was a key step in temporarily changing how deaths in Jersey are certified. It was also part of the wider contingency plans put in place across the Health and Community Services Department and Government to mitigate the risks associated with an outbreak of infectious disease in Jersey.

To enable the Community Death Certification team to function, a number of temporary legislative amendments were made. The amendments included amending the qualification criteria within the [Marriage and Civil Status \(Jersey\) Law 2001](#) (the “2001 Law”) for doctors when certifying a death. So that, provided the doctor had examined the body after death they would be qualified in relation to the death, instead of the prior requirement that the doctor had also attended the deceased during his or her last illness. The amendments as previously adopted also require a medical practitioner who is uncertain of a cause of death, and therefore is unable to certify the cause of death, to inform the Viscount of the circumstances of the case. This required consultation not previously prescribed in the 2001 Law, and allows for agreement to be reached by the Viscount and medical practitioner of the cause of death. The Viscount can then authorise the issuing of a certificate that specifies the cause of death.

1.4 Amendments were also made to the [Cremation \(Jersey\) Regulations 1961](#) (the “1961 Regulations”) to remove the requirement for a Confirmatory Medical Certificate, the second part of a 2-certificate process that was required before a cremation would be permitted.

1.5 The draft Regulations do not present a further change to the death certification and cremation authorisation processes that have already been enacted by the States Assembly; they simply ensure that the certification requirements under the 1961 Regulations accord with the Assembly’s previous decisions.

### 2. Legislation

2.1 Under Regulation 6(a) of the 1961 Regulations, no cremation shall be permitted unless the application to cremate is accompanied by a *certificate of medical attendant*. The certificate of medical attendant is a certification definitely as to the cause of death.

2.2 The draft Regulations bring forward 2 changes –

- a. They will, if approved, temporarily amend Regulation 6(a) of the 1961 Regulations to enable a medical practitioner to complete and sign a Certificate of Medical Attendant even though they have not attended the deceased during the deceased’s last illness, which is the present requirement.

- b. They will, if approved, temporarily amend Schedule 2 of the 1961 Regulations, which sets out the form of certificate of medical attendant, to remove the requirement for the medical practitioner to declare they have attended the deceased before death, which is needed to facilitate the change made to Regulation 6(a) above. The medical practitioner will still be required to declare that he or she has seen and identified the body of the deceased after death, which is an existing part of the certificate.

These draft Regulations further align statutory provision around medical certification with previous legislation passed by the States Assembly addressing the death registration process. The draft Regulations are supported by the Deputy Viscount and the Excess Death Group established as part of Jersey's response to Covid-19.

### **3. Financial and manpower implications**

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

## **EXPLANATORY NOTE**

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These draft Regulations, if passed, would further modify the Cremation (Jersey) Regulations 1961 so as to suspend the requirement for a medical practitioner certifying the cause of death to have attended the deceased during the deceased's last illness. The modification would have effect only for the purposes of dealing with the current coronavirus epidemic. The Regulations would come into force immediately after they are made and expire on 30th September 2020.





Jersey

## **DRAFT CREMATION (SUSPENSION AND MODIFICATION OF REGULATIONS – COVID-19) (No. 2) (JERSEY) REGULATIONS 202-**

*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 1953<sup>1</sup> –

### **1 Modification of principal Regulations**

- (1) The Cremation (Jersey) Regulations 1961<sup>2</sup> (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 modified**

Regulation 6 (certificates to accompany application) of the principal Regulations, paragraph (a) applies as though the words “who attended the deceased during the deceased’s last illness and” were deleted.

### **3 Schedule 2 to the principal Regulations modified**

The form in Schedule 2 (certificate of medical attendant) to the principal Regulations applies as though in the declaration, for the words “Having attended the deceased before death and seen and identified the body after death,” there were substituted “Having seen and identified the body of the deceased after death,”.

### **4 Citation, commencement and duration**

These Regulations –

- (a) may be cited as the Cremation (Suspension and Modification of Regulations – Covid-19) (No. 2) (Jersey) Regulations 202-;
- (b) come into force immediately after they are made; and

- (c) expire on 30th September 2020.



## ENDNOTES

### Table of Endnote References

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