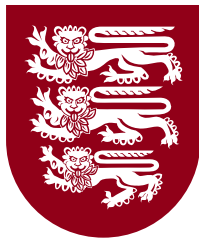


# STATES OF JERSEY



Jersey

## **DRAFT CREMATION (JERSEY) AMENDMENT REGULATIONS 202-**

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**Lodged au Greffe on 6th February 2026  
by the Minister for Health and Social Services  
Earliest date for debate: 24th March 2026**

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**STATES GREFFE**

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## REPORT

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### Introduction

The [Cremation \(Jersey\) Regulations 1961](#) (“the 1961 Regulations”) have not been updated for a considerable period and have become outdated, which has caused unnecessary distress and costs for some bereaved families. These Amendment Regulations ensure that this extremely outdated piece of legislation remains fit for purpose and operational.<sup>1</sup>

The proposed amendments aim to:

- repeal the prohibition on Medical Referees authorising cremations where the deceased has left written instructions against cremation;
- update provisions to allow a wider range of Jersey residents to countersign an “Application for Cremation” providing additional safeguards ensuring that counter signatories are not related to the applicant or the deceased;
- make the legal framework clearer regarding which “near” relatives can submit an application;
- update the “Application for Cremation” form in Schedule 1 to the 1961 Regulations; and
- make a series of drafting changes to update and clarify the Regulations to modern law drafting standards.

### Written Directions Regarding Cremations and Authorisation

A pressing operational issue has arisen due to restrictions on Medical Referees authorising a cremation where the deceased has left historic written instructions against cremation in a will or other document. Under current provisions, a Medical Referee is not permitted to authorise a cremation in these circumstances, even where the individual subsequently expressed a wish to be cremated to close family members. A historic written expression, which may not reflect the deceased most recent and true wishes, takes precedence, meaning that a cremation cannot be authorised. This essentially makes this written expression binding, regardless of the deceased’s last wishes.

The remit of a Medical Referee, as a medical practitioner, should be to examine the medical certificates and ensure that the fact and cause of death have been definitively established before cremation, rather than attempting to determine any legal position regarding the deceased’s written wishes or will. Jersey’s 1961 Regulations are based on very early UK cremation legislation. However, as cremation became more popular, the statutory prohibition on cremating the body of a person who had left written instructions to the contrary was repealed in the UK by the [Cremation Regulations 1965](#). This amendment was never made to Jersey’s 1961 Regulations. There appears to be no sound policy reason why this prohibition has remained in Jersey for nearly 60 years after its repeal in the UK, particularly given the evolution of modern burial practices.

Increasingly, cases are emerging in which a will, sometimes decades old, specifies burial, while relatives request cremation based on the deceased’s more recent informal or spoken wishes. This situation is having a significant impact:

- causing distress and legal costs for families who face substantial barriers to fulfilling their loved one’s final wishes;

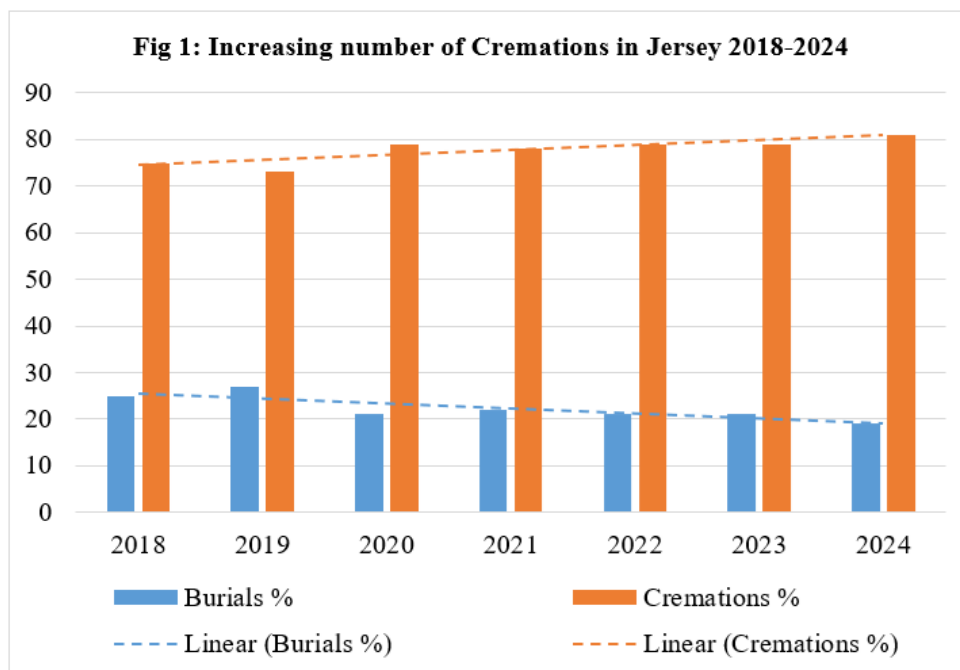
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<sup>1</sup> These amendments do not change the existing arrangements or assurances for scrutinising a cremation, including the Schedule 2 “Certificate of Medical Attendant” and Schedule 3 “Confirmatory Medical Certificate”, which must be completed by medical practitioners before a Medical Referee can authorise a cremation.

- creating additional workload and pressure for the Cremation Administration Team and the Law Officers' Department;
- placing Medical Referees at unacceptable risk of prosecution if they authorise cremation without knowledge of burial instructions in a will; and
- placing the Government in a position where it must refuse to authorise a cremation even if this is the families' wish, thus inappropriately placing the state in a position of arbitrating sensitive private family decisions.

The Medical Referee is potentially liable to prosecution for a criminal offence, under Article 5 of the [Cremation \(Jersey\) Law 1953](#) ("the 1953 Law") where they permit a cremation in contravention of those provisions regarding written instructions against cremation. To authorise a cremation the Medical Referee must be satisfied that the deceased did not leave any written directions to the contrary. The process for Medical Referees being able to assure themselves of this are extremely weak, being only one question on the application form and any additional information that may come to light from families or Funeral Directors. This places Medical Referees, as doctors, in a difficult position of assuring themselves regarding unseen private legal documentation. Staff have expressed deep concerns about the risk of prosecution and also the high level of potential distress caused by refusing a cremation on these grounds. There is no intention to amend the offences in the 1953 Law, but to simply remove these prohibitions contained in the Regulations.

The problem is compounded by the rising number of cremations, now occurring for around 80% of deaths (see figure 1).<sup>2</sup> There appears to be a growing awareness among legal professionals and funeral directors, who increasingly ask to check wills and documentation for burial instructions. Regardless of the reasons for this development, the issue is significantly disrupting the authorisation process, risking cremations being refused even with strong supporting family testimony.



<sup>2</sup> Data from [Superintendent Registrar Annual Statements](#)

Regulation 15 of the [Cremation \(England and Wales\) Regulations 2008](#) (“the 2008 Regulations”) place responsibility on the executor of the estate or near relative to decide whether the deceased is cremated or not. There is nothing in these Regulations which places a responsibility on Medical Referees to take into account a written statement of the person’s wishes when deciding whether to authorise a cremation. In England, at present, the decisions that a person makes about what happens to their body after they die are not binding, although they may be afforded some weight. This is left to the wishes of the family, considering the person’s wishes, faith, practicalities, and other factors.<sup>3</sup>

The Amendment Regulations, if adopted, would repeal two regulations under the 1961 Regulations:

- Regulation 4(1): “It shall not be lawful to cremate the remains of any person who is known to have left a written direction to the contrary.”
- Regulation 7(1)(a): “A medical referee shall not permit any cremation to take place unless satisfied that the deceased did not leave any written direction to the contrary.”

Once the rules on written directions are repealed, the “backstop” position will be that, where the deceased left a will, the executor is responsible for the body and for arranging the funeral, giving due regard to any directions in the will, although these directions are not legally binding. In practice, the executor would also consider the family’s view. At customary law, there is no property in a body, so the next of kin, typically a living spouse or civil partner, would be regarded as having authority to make arrangements. These Amendments to the 1961 Regulations refine this position so that a “near relative” (spouse, civil partner, children, parents, relation living with the deceased) may make an “Application for Cremation”. This means that any decisions will fall upon the executor and closest family members, whilst considering the content of the will, the faith and culture of the deceased, their final wishes, and other family factors or practicalities. This would ensure that the final decision would be left in the hands of the executor or family members rather than the Government.

### **Consultation Regarding Written Directions**

Regular correspondence and meetings have been undertaken with Public Health, the Medical Referees, and the Cremations Administration Team to develop a detailed understanding of the operational challenges arising from the 1961 Regulations and to identify practical solutions to resolve these challenges.

Consultation has occurred with Cremation User Group, which includes representatives from the funeral industry and faith groups.

Some of these proposed amendments to modernise the 1961 Regulations have also been discussed and considered within the broader context of the Death Management Project Group.<sup>4</sup> The Deputy Viscount has also had input into development of the policy proposals.

As burial and cremation are sensitive issues for certain faith and cultural groups, including those whose practices require burial, research was undertaken to assess the requirements and potential

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<sup>3</sup> At the moment the Law Commission are conducting a project on “Rights and Obligations Relating to Funerary Methods, Funerals, and Remains”. The project will consider who should have the right to make decisions about a body and the funeral, how disputes should be resolved, and who is responsible for making arrangements for a body after death. The findings of this project will be considered within the wider Death Management Project. Please see: [Burial, cremation, and new funerary methods – Law Commission](#).

<sup>4</sup> Membership of the Death Management Group comprises of Superintendent Registrar, Director of Public Health, Viscount and Deputy Viscount (as Coroner), Medical Referee, Consultant Cellular Pathologist, Governance Policy Team, Representatives from the Law Officers’ Department, Police Coroners Team, and Quality and Safety Manager (Health and Community Services).

impacts on these communities.<sup>5</sup> The most recent comprehensive data on religious affiliation in Jersey is from the Jersey Annual Social Survey (2015), which indicated that only a small proportion of the population belongs to faith groups for whom burial is a dominant or essential cultural or religious practice.<sup>6</sup> More recent data from the Jersey Children and Young People Survey shows that 2% of respondents identified as Muslim and 1% as Jewish.<sup>7</sup>

Careful consideration, and consultation where relevant, has been given to the potential impact of these amendments on religious and faith groups, including research into how the current UK policy, on which these amendments are based, affects such communities. In the UK, the principle of placing the decision with the immediate family, who are best placed to understand the wishes of their loved one, is well established. Repealing the prohibition on written guidance regarding burial is regarded as a neutral measure for all faith groups, ensuring that the decision rests firmly with the family.

### Clarification of Applicant

Regulation 5(2) of the 1961 Regulations provides that the “nearest” relative or the executor is required to make the application, unless the Medical Referee permits another person to do so. A small amendment has been made to define that “near” relatives of the deceased may apply for a cremation. This addresses a potentially confusing distinction between an undefined “nearest” relative who makes the application and defined “near” relatives who should be informed. The Schedule 1 form to the 1961 Regulations currently states:

“The term “near relative” as used here includes widow or widower, surviving civil partner, parents, children above the age of 16 and any other relative usually residing with the deceased.”

The categories of “nearest” and “near” relative are largely overlapping, without a clear delineation or legal framework contained within the Regulations. This minor distinction appears to reflect older UK drafting styles (for example, under the [Cremation Regulations 1952](#)). By comparison, Regulation 15 of the 2008 Regulations for England and Wales permit a defined “near” relative to make an application.

The new Regulation 5(2) is amended so that any “near” relative may make the application, and provides a clear definition aligned with that currently set out in Schedule 1. This is a modernising and technical improvement to provide a clearer framework and remove ambiguity, which might result, for example, in the responsibility of paperwork falling solely upon an elderly spouse who may themselves be frail.<sup>8</sup>

### Countersigning the “Application for Cremation”

The Amendment Regulations introduce a minor administrative change to the 1961 Regulations to modernise who may countersign the “Application for Cremation” form. At present, all applications must be countersigned by one of the following:

- a Jurat of the Royal Court;
- a member of the States;
- an advocate or solicitor;
- a notary public;

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<sup>5</sup> [A Concise Guide to the Customs of Religious Culture and Practice](#)

<sup>6</sup> [Jersey Annual social survey](#)

<sup>7</sup> [JCYPS 2024 report.pdf](#)

<sup>8</sup> Regardless of this amendment under Regulation 5(2) the Medical Referee may permit some other person to make the application if they are satisfied with the reason. For example, a friend may make an application if the deceased had no “near” living relatives.

- a minister of religion;
- a Centenier;
- a bank manager; or
- a person liable to pay foncier (landowner) rate under the [Rates \(Jersey\) Law 2005](#).

This list is overly restrictive, excluding individuals who rent rather than own property. There is no policy reason why a person who owns a property would be any more reliable as a counter signatory than an individual who rents a property. The counter signatory's role is simply to confirm that they know the applicant and have no reason to doubt the accuracy of the information provided. While funeral directors often act as counter signatories, some staff may not meet the eligibility criteria, creating confusion and barriers for families. The requirement can also cause embarrassment, as it implies disclosure of personal details, such as property ownership.

Unclear criteria often leads to additional queries or forms being returned, resulting in extra administration. Furthermore, there are inadequate checks and balances to ensure a person's eligibility to countersign, which may lead to ineligible individuals signing forms out of confusion.

The Amendment Regulations expand eligibility to include:

- a person who has a registration card under Article 3 of the [Control of Housing and Work \(Jersey\) Law 2012](#).
- an individual who is ordinarily resident in Jersey for a continuous period of 3 months or more.

In practice, it allows any person who is ordinarily resident in Jersey to countersign the form.<sup>2</sup> This change will reduce confusion and make it easier for families to find a counter signatory.

The category of bank manager has been removed to ensure the list reflects modern practice. This decision also addresses the fact that no other professionals or office holders outside the legal, governmental, or religious contexts are included in the list. In addition, a clearer definition has been provided for "Minister of Religion," aligning it with the existing definition under the [Discrimination \(Jersey\) Law 2013](#).

Additional safeguards have been introduced to prevent a relative, spouse, civil partner, or any person in an enduring relationship with the deceased or the applicant from acting as a counter signatory for the "Application for Cremation". These measures offer additional protection and clarify eligibility to countersign, particularly now that eligibility has been extended to a much wider category of Jersey residents. This approach reflects a similar principle to Regulation 6, which requires that the medical practitioner signing the "Confirmatory Medical Certificate" is neither a relative of the deceased nor a relative or practice partner of the first practitioner who signed the "Certificate of Medical Attendant". Collectively, these provisions help ensure independent secondary oversight of the application process.

### **Updates to Schedule 1 "Application for Cremation"**

The forms prescribed in the Schedules to the 1961 Regulations have not been updated for many years and are now outdated, particularly the Schedule 1 "Application for Cremation". They omit essential information and include questions that may be unclear or fail to reflect current best practice. For instance, there is no provision to record whether the deceased person had a medical implant, such as a pacemaker, which poses a significant safety risk to crematorium equipment and staff if such implants are not identified prior to cremation. The outdated nature of the form

<sup>2</sup> For comparison, this still affords greater assurances than the equivalent Cremation 1 form, included in Schedule 1 to the Cremation (England and Wales) Regulations 2008, which requires no counter-signatory.

sometimes causes confusion and places extra administrative burden on the Crematorium Administration Team.

A revised version of the “Application for Cremation” form in Schedule 1 to the 1961 Regulations has been developed in collaboration with the Medical Referee and the Cremations Administration Officer to modernise and improve its clarity and functionality. Key changes include:

- Removal of Question 3 – The question, “Did the deceased leave any written directions as to the mode of disposal of his or her remains? If so, what?”, would be removed. This question was originally intended to provide assurance for Regulations 4(1) and 7(1)(a) of the 1961 Regulations that the deceased had not left written instructions contrary to cremation. However, it causes significant confusion for families and does not offer robust assurance for the Medical Referee regarding any written directions of the deceased. The removal of this question is consequential to the repeal of Regulations 4(1) and 7(1)(a).
- Addition of a question on medical implants – A new question has been introduced regarding modern medical implants, such as pacemakers, cardio devices, and radioactive implants, which can pose safety risks to crematorium equipment and staff. While funeral directors currently use a separate operational form to identify and remove hazardous implants, this additional question provides a secondary safeguard by allowing the near relative to confirm any implants and their location.
- Clarification on who may act as an applicant – A clear definition of “near” relative who may make the application has been added, reflecting the new definition in Regulation 5 of the 1961 Regulations.
- Medical Practitioner Details – The section regarding medical practitioner details has been simplified making it clear that the attending practitioner’s details should be included.
- Improved Layout and Language – Several questions have been re-ordered, and the language and layout have been updated to make the form clearer and easier to complete. These changes aim to reduce confusion for applicants and minimise administrative queries. Modern communication details, such as space for email addresses, have also been added.
- Clarification of Counter-Signatory Requirements – The section on counter-signatories has been revised to reflect the broader eligibility criteria contained in the amended Regulation 5 of the 1961 Regulations. This section clarifies the eligibility to become a counter-signatory and confirms the counter-signatory as a witness to the application details.

Overall, these revisions are intended to modernise the form, improve clarity, and strengthen safeguards, ensuring a more efficient process for families and the Cremation Administration Team.

### **Minor Drafting Updates and Clarifications**

These Amendment Regulations introduce a Schedule containing a series of minor amendments to update drafting style to align them with modern legislative drafting standards. These changes do not alter the substance or policy intent of the existing provisions but make them clearer. The Regulations are significantly outdated, and these amendments ensure that they remain clear, consistent, and fit for purpose.

**Reference to the Medical Act 1956**

Regulation 6(a) currently requires that the “Confirmatory Medical Certificate” in Schedule 3 to the 1961 Regulations be signed by a medical practitioner who has been registered under the United Kingdom’s Medical Act 1956 for at least five years. This reference is significantly outdated, as the Medical Act 1956 was replaced by the Medical Act 1983. A minor amendment updates this reference to align with current UK legislation.

**Commencement**

If adopted, these Amendment Regulations would come into force 7 days after adoption.

**Financial and staffing implications**

There are no additional financial or staffing implications.

**Children’s Rights Impact Assessment**

The decision contained in this proposition has no impact on children or their rights as set out in the United Nations Convention on the Rights of the Child (UNCRC). Accordingly, a Children’s Rights Impact Assessment is not required under the [Children \(Convention Rights\) \(Jersey\) Law 2022](#).

## EXPLANATORY NOTE

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These Regulations, if made, will make amendments to the Cremation (Jersey) Regulations 1961.

*Regulation 1* states that these Regulations amend the Cremation (Jersey) Regulations 1961.

*Regulation 2* amends Regulation 4 (restrictions on carrying out of cremation) by deleting paragraph (1), which makes it unlawful to cremate the remains of any person who is known to have left a written direction to the contrary.

*Regulation 3* amends Regulation 5 (application for cremation) to provide that applications may be made by the executor or a near relative (rather than the “nearest relative”). The categories of people who can act as countersignatories are amended. Instead of those described as persons liable to pay foncier rate under the Rates (Jersey) Law 2005, persons who have a registration card under the Control of Housing and Work (Jersey) Law 2012 and who have been ordinarily resident in Jersey for a continuous period of 3 months are listed. Bank managers are removed from the list. In addition, the countersignatory –

- (a) must not be a relative, spouse or civil partner of, or in an enduring relationship with, the applicant; and
- (b) must not be a relative, surviving spouse or surviving civil partner of, or an individual who was in an enduring relationship with, the deceased at the time of death.

Definitions of “enduring relationship”, “minister of religion”, “member of the States” and “near relative” are provided.

*Regulation 4* amends Regulation 6 (certificates to accompany application) to correct a cross-reference to a UK Act.

*Regulation 5* amends Regulation 7 (powers and duties of medical referee) to remove the requirement that the medical referee must be satisfied that the deceased did not leave any written direction to the contrary before permitting a cremation.

*Regulation 6* substitutes a new application form for cremation into Schedule 1.

*Regulation 7* introduces the Schedule, which contains minor amendments to update the drafting style in places to modern standards.

*Regulation 8* gives the name of these Regulations and provides for them to come into force 7 days after they are made.



Jersey

## DRAFT CREMATION (JERSEY) AMENDMENT REGULATIONS 202-

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Jersey

## DRAFT CREMATION (JERSEY) AMENDMENT 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](#) –

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### **1 [Cremation \(Jersey\) Regulations 1961](#) amended**

These Regulations amend the [Cremation \(Jersey\) Regulations 1961](#).

### **2 Regulation 4 (restrictions on carrying out of cremation) amended**

Regulation 4(1) is deleted.

### **3 Regulation 5 (application for cremation) amended**

(1) For Regulation 5(2) there is substituted –

(2) The application must be made by –

- (a) an executor; or
- (b) a near relative of the deceased.

(2A) But the application may be made by another person, if the medical referee considering the application is satisfied with the reason they give for making the application instead of an executor or a near relative.

(2) For Regulation 5(3) there is substituted –

(3) The application must be verified by the countersignature of –

- (a) a person who has a registration card issued under Article 4 of the [Control of Housing and Work \(Jersey\) Law 2012](#);
- (b) a person who has been ordinarily resident in Jersey for a continuous period of at least 3 months;
- (c) a Jurat of the Royal Court;
- (d) a member of the States;
- (e) an advocate or solicitor;
- (f) a notary public;

- (g) a minister of religion; or
  - (h) a Centenier.
- (4) The countersignatory must not be –
- (a) a relative, spouse or civil partner of, or in an enduring relationship with, the applicant; or
  - (b) a relative, surviving spouse or surviving civil partner of, or an individual who was in an enduring relationship with, the deceased at the time of death.
- (5) The countersignatory must certify that –
- (a) the applicant is known to them; and
  - (b) they have no reason to doubt the truth of any of the information provided by the applicant.
- (6) In this Regulation –
- “enduring relationship” means a relationship that –
- (a) is similar to a marriage or civil partnership; and
  - (b) has existed, without breaking down, for a continuous period of at least 2 years;
- “minister of religion” means a person who –
- (a) performs functions in connection with a religion; and
  - (b) holds an office or appointment in, or is accredited, approved or recognised for purposes of, a relevant organisation in relation to a religion;
- “member of the States” has the meaning given in Article 1(1) of the [States of Jersey Law 2005](#);
- “near relative” means –
- (a) the surviving spouse or surviving civil partner of the deceased;
  - (b) a parent or child of the deceased;
  - (c) any other relative usually residing with the deceased; or
  - (d) if the deceased is a stillborn child, their parent;
- “relevant organisation” means an organisation whose sole or main purpose is not commercial, with 1 or more of the following purposes –
- (a) to practise a religion;
  - (b) to advance a religion;
  - (c) to teach the practice or principles of a religion;
  - (d) to enable people of a religion to receive benefits, or to engage in activities, within the framework of that religion;
  - (e) to foster or maintain good relations between people of different religions.

#### 4 Regulation 6 (certificates to accompany application) amended

In Regulation 6(a), for “Medical Act 1956” there is substituted “Medical Act 1983”.

**5 Regulation 7 (powers and duties of medical referee) amended**

In Regulation 7(1) –

- (a) sub-paragraph (a) is deleted;
- (b) at the end of sub-paragraph (c) there is inserted “and”.

**6 Schedule 1 amended**

For the text of Schedule 1 there is substituted –

**Application for cremation****Your details (the applicant)**

The application must be made by an executor or by a near relative of the deceased. The application may be made by another person if the medical referee considering the application is satisfied with the reason they give for making the application instead of an executor or a near relative.

(“Near relative” means the surviving spouse or surviving civil partner of the deceased, a parent or child of the deceased, any other relative usually residing with the deceased, or, if the deceased is a stillborn child, their parent.)

Applicant’s full name	
Address	
Telephone number	E-mail address
Are you an executor, or a near relative of the deceased?  <input type="checkbox"/> Yes <input type="checkbox"/> No	
If no, state: (a) your relationship to the deceased  (b) the reason why you are making the application instead of an executor or a near relative	
Is there any executor or near relative who has not been informed of the proposed cremation?	
Has any executor or near relative of the deceased expressed any objection to the proposed cremation? <input type="checkbox"/> No <input type="checkbox"/> Yes  If yes, please give details.	

**Details of the deceased**

Full name of the deceased
---------------------------

Residential address at date of death	
Occupation at date of death. Last occupation if retired or not in work at date of death	
Age at death	Sex at death
Civil status at date of death <input type="checkbox"/> Married <input type="checkbox"/> Civil partnership <input type="checkbox"/> Widow/widower/surviving civil partner <input type="checkbox"/> Single <input type="checkbox"/> Divorced <input type="checkbox"/> Civil partnership dissolved	
What was the date and time of the death of the deceased?	
Date	Time
Place of death. (Give address and state whether own residence, lodgings, hotel, hospital, nursing home, etc.)	
Do you know, or have you any reason to suspect, that the deceased's death was due, directly or indirectly, to: (Give separate answers to (a) (b) and (c))	(a) violence <input type="checkbox"/> No <input type="checkbox"/> Yes, please give reasons for your answer
	(b) poison <input type="checkbox"/> No <input type="checkbox"/> Yes, please give reasons for your answer
	(c) privation or neglect <input type="checkbox"/> No <input type="checkbox"/> Yes, please give reasons for your answer
Do you know, or have you any reason to suspect, that the death of the deceased occurred while they were under an anaesthetic? <input type="checkbox"/> No <input type="checkbox"/> Yes, please give reasons from you answer	
Do you know any reason whatever for supposing that an examination of the remains of the deceased may be desirable? <input type="checkbox"/> No <input type="checkbox"/> Yes, please give reasons for your answer	

**Registered medical practitioner(s) who attended the deceased**

Name(s) of registered medical practitioner(s)	
Address(es)	
Telephone number(s)	E-mail address(es) (if known)

**Medical implants**

<p>At the time of death, was there any implant present in the body that may become hazardous when the body is cremated?</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> Unsure</p> <p>(a) Pacemaker</p> <p>(b) Implantable Cardioverter Defibrillators (ICD)</p> <p>(c) Implantable loop recorder</p> <p>(d) 'Fixion' intramedullary nails</p> <p>(e) Radioactive device</p> <p>(f) Any other implant</p>
Please give details of the implant and its location

**Statement of truth**

I declare that to the best of my knowledge and belief the information given in this application is correct and complete.

Signature	Date
Name	

**Countersignatory**

The application must be verified by the countersignature of:

(Indicate the capacity in which you are countersigning)

- an individual who has a registration card issued under Article 4 of the Control of Housing and Work (Jersey) Law 2012
- an individual who has been ordinarily resident in Jersey for a continuous period of at least 3 months
- a Jurat of the Royal Court
- a member of the States

- an advocate or solicitor
- a notary public
- a minister of religion
- a Centenier

I confirm that:

- I believe that I am eligible to verify this application for cremation;
- I was not, at the time of their death, a relative of, spouse or civil partner of, or in an enduring relationship (similar to a marriage or civil partnership for a continuous period of at least 2 years) with the deceased;
- I am not a relative of, spouse or civil partner of, or in an enduring relationship (similar to a marriage or civil partnership for a continuous period of at least 2 years) with the applicant;
- the applicant is known to me;
- I have no reason to doubt the truth of any of the information provided by the applicant.

Signature	Date
Name	
Address	

## 7 Minor amendments

The Schedule contains minor amendments to the [Cremation \(Jersey\) Regulations 1961](#).

## 8 Citation and commencement

These Regulations may be cited as the Cremation (Jersey) Amendment Regulations 202- and come into force 7 days after they are made.

## SCHEDULE

(Regulation 7)

### MINOR AMENDMENTS TO THE [CREMATION \(JERSEY\) REGULATIONS 1961](#)

#### 1 Regulation 2 (control of crematorium to vest in Minister) amended

In Regulation 2, for “shall be” there is substituted “is”.

#### 2 Regulation 2A (power of minister to appoint medical referees) amended

In Regulation 2A(2) –

- (a) for “shall” there is substituted “must”;
- (b) for “such” there is substituted “the”.

#### 3 Regulation 3 (maintenance of crematorium) amended

In Regulation 3, for “shall take such steps as may be” there is substituted “must take the steps that are”.

#### 4 Regulation 4 (restrictions on carrying out of cremation) amended

- (1) In Regulation 4(2), for “it shall not be lawful to” there is substituted “a person must not”.
- (2) In Regulation 4(3) and (4), for “no cremation shall be authorized” there is substituted “a cremation must not be authorised”.

#### 5 Regulation 5 (application for cremation) amended

In Regulation 5(1), for “shall” there is substituted “must”.

#### 6 Regulation 6 (certificates to accompany application) amended

In Regulation 6, for “no cremation shall be permitted” there is substituted “a cremation is not permitted”.

#### 7 Regulation 7 (powers and duties of medical referee) amended

- (1) In Regulation 7(1), for “shall not permit any” there is substituted “must not permit a”.
- (2) In Regulation 7(1)(b), for “Regulation 9” there is substituted “in Regulation 9”.
- (3) In Regulation 7(1)(c), for “therefor and the certificates produced in support thereof are such as are required by” there is substituted “and certificates produced in support of the application meet the requirements of”.
- (4) For Regulation 7(2) there is substituted –

- (2) The medical referee considering an application under Regulation 5 must give the authorisation to cremate in the form set out in Schedule 6 if satisfied that –
  - (a) all the requirements of these Regulations have been met; and
  - (b) there are no grounds for refusing cremation under Regulation 8.

## **8 Regulation 8 (refusal to allow cremation) amended**

For Regulation 8 there is substituted –

### **8 Refusal to allow cremation**

The medical referee considering an application under Regulation 5 must refuse to allow a cremation and must refer the matter to the Viscount if –

- (a) it appears to the medical referee from the cause of death assigned in the medical certificates accompanying the application that the death has, or might have, resulted from poison, violence, an illegal operation, privation or neglect; or
- (b) the circumstances give rise to any suspicion on the part of the medical referee.

## **9 Regulation 9 (persons dying outside Jersey) amended**

For Regulation 9 there is substituted –

### **9 Persons dying outside Jersey**

- (1) This Article applies if –
  - (a) a person dies in a place outside Jersey; and
  - (b) the Viscount has authorised the landing of the remains in Jersey.
- (2) A medical referee may accept –
  - (a) an application containing the particulars prescribed in the form set out in Schedule 1, if it is accompanied by a declaration by the applicant, made before any person that has authority in the place of death to administer an oath or take a declaration, that the particulars in the form are true to the best of the applicant's knowledge or belief; and
  - (b) certificates in the forms set out in Schedules 2, 3 and 4, if they are signed by medical practitioners who are shown to a medical referee's satisfaction to possess qualifications substantially equivalent to those prescribed by these Regulations in respect of those certificates.
- (3) But, if the Viscount is satisfied that the case is one in which cremation may properly take place, the Viscount may authorise a medical referee to grant the application despite the certificates required to accompany the application under Regulation 6 not having been produced.

**10 Regulation 10 (cremation of remains of stillborn child) amended**

In Regulation 10, “Notwithstanding the foregoing provisions of these Regulations” is deleted.

**11 Regulation 11 (modification and suspension of Regulations) amended**

In Regulation 11(2), for “shall” there is substituted “do”.

**12 Regulation 12 (disposal of ashes) amended**

- (1) In Regulation 12(1), for “shall” there is substituted “must”.
- (2) In Regulation 12(2), for “shall” there is substituted “must” in the 2 places it appears.

**13 Regulation 13 (registration of cremations, etc.) amended**

- (1) In Regulation 13(1), for “shall” there is substituted “must” in the 3 places it appears.
- (2) For Regulation 13(2) there is substituted –
  - (2) The [Marriage and Civil Status \(Jersey\) Law 2001](#) applies –
    - (a) in relation to the register of cremations, in the same way that it applies to registers kept under that Law; and
    - (b) in relation to copies of entries in the register of cremations, in the same way that it applies to copies of entries in registers kept under that Law.

**14 Regulation 14 (keeping of certificates, etc.) amended**

In Regulation 14 –

- (a) for “shall” there is substituted “must”;
- (b) for “in such manner as may be” there is substituted “in the manner”.