

Jersey Law 10/1953

CREMATION (JERSEY) LAW, 1953

A LAW to regulate the burning of human remains, and to provide for matters incidental thereto, sanctioned by Order of Her Majesty in Council of the

30th day of APRIL, 1953

(Registered on the 23rd day of May, 1953)

STATES OF JERSEY

The 24th day of February, 1953

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law: -

ARTICLE 1

DEFINITIONS

In this Law –

“cremation” means the burning of human remains in the crematorium;

“crematorium” means a building equipped with appliances for the purpose of burning human remains and includes everything incidental or ancillary thereto;

“the crematorium” has the meaning assigned thereto by Article 2.

ARTICLE 2

ESTABLISHMENT OF CREMATORIUM

(1) The right to establish and maintain a crematorium in the Island shall be vested solely in the States.

(2) Any crematorium established and maintained by the States is hereafter in this Law referred to as “the crematorium”.

ARTICLE 3

**POWER TO MAKE REGULATIONS WITH REGARD TO
CREMATORIUM AND CREMATION**

- (1) The States shall make regulations –
- (a) with regard to the maintenance and inspection of the crematorium
 - (b) prescribing in what cases and under what conditions cremation may take place;
 - (c) prescribing the forms of the notices, certificates and applications to be given or made before any cremation is permitted to take place;
 - (d) directing the disposition or interment of the ashes;
 - (e) with regard to the registration of cremations;
 - (f) prescribing the fees and other charges to be made by the States for cremations;

and may make regulations –

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- (g) applying the provisions of the “Loi (1842) sur l’Etat Civil”,¹ as amended by any subsequent enactment, to cases where human remains are disposed of by cremation;

* * * * *

- (j) requiring any applications made under the regulations to be verified in such manner as may be prescribed by the regulations.

(2) Regulations made under this Article may be amended by subsequent regulations and shall remain in force until repealed.

(3) The provisions of any Law in force in the Island relating to false entries in registers of deaths, and the admissibility of extracts therefrom as evidence, shall apply in relation to any registers kept in accordance with the provisions of regulations made under this Article.

[ARTICLE 3A

POWER TO MAKE ORDERS WITH REGARD TO CERTAIN FEES

(1) The Public Health Committee may make orders prescribing maximum fees in respect of the completion of any medical certificates required by regulations made under Article 3 of this Law.

(2) The Subordinate Legislation (Jersey) Law, 1960, as amended,² shall apply to orders made under this Article.³

¹ Tomes I-III, page 85.

² Sub-paragraph deleted by Cremation (Amendment) (Jersey) Law, 1980 (Volume 1979–19–, page 281).

³ Included in this Tome.

⁴ Article inserted by Cremation (Amendment) (Jersey) Law, 1980 (Volume 1979–19–, page 281).

ARTICLE 4

PENALTIES

(1) Any person who contravenes the provisions of any regulations made under Article 3 [, or any order made under Article 3A]⁵ of this Law, or knowingly carries out or procures or takes part in the burning of any human remains except at the crematorium and in accordance with such regulations and the provisions of this Law, shall (in addition to any liability or penalty which he may otherwise incur) be liable to a fine not exceeding fifty pounds sterling.

(2) Any person who wilfully makes any false representation, or signs or utters any false certificate, with a view to procuring the cremation of any body shall (in addition to any penalty or liability which he may otherwise incur) be liable to imprisonment for a term not exceeding two years.

(3) Any 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 application or gives any certificate under this Law, shall be liable to imprisonment for a term not exceeding five years.

ARTICLE 5

INCUMBENT NOT TO BE OBLIGED TO PERFORM BURIAL SERVICE

(1) 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, 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 Dean and at the request of the principal heir of the deceased person or other person having charge of the cremation or interment of the cremated remains, perform such service.

⁵ Words inserted by Cremation (Amendment) (Jersey) Law, 1980 (Volume 1979–19—, page 282).

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(2) In this Article, the expression “ecclesiastical parish” includes an ecclesiastical district and references to parishioners and parish shall be construed accordingly.

ARTICLE 6

SAVINGS

(1) Nothing in this Law shall be construed as derogating in any way from the jurisdiction of the Bailiff, the Viscount or the Royal Court in matters relating to inquests, or from that of the Bailiff or the Viscount under the Inquests and Post-mortem Examinations (Jersey) Law, 1951,⁶ as amended by any subsequent enactment.

(2) Nothing in this Law shall authorize the creation of a nuisance.

ARTICLE 7

SHORT TITLE

This Law may be cited as the Cremation (Jersey) Law, 1953.

⁶ Page 15 of this Tome.