



Jersey

CREMATION (AMENDMENT No. 15) (JERSEY) REGULATIONS 2011

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*Made**7th June 2011**Coming into force**14th June 2011*

THE STATES, in pursuance of Article 3 of the Cremation (Jersey) Law 1953¹, have made the following Regulations –

1 Interpretation

In these Regulations “principal Regulations” means the Cremation (Jersey) Regulations 1961².

2 Regulation 1 amended

In Regulation 1 of the principal Regulations, immediately before the definition “registered medical practitioner” there shall be inserted the following definitions –

“ ‘Medical Officer of Health’ means the ‘Inspecteur Médical’ appointed under Article 10 of the Loi (1934) sur la Santé Publique³;

‘medical referee’ means –

- (a) the Medical Officer of Health; or
- (b) a person appointed a medical referee by the Minister under Regulation 2A;

‘Minister’ means the Minister for Health and Social Services;”.

3 Regulation 2A inserted

After Regulation 2 there shall be inserted the following Regulation –

“2A Power of Minister to appoint medical referees

- (1) The Minister may appoint as a medical referee any person recommended by the Medical Officer of Health to the Minister for such appointment.
- (2) The Medical Officer of Health shall not recommend a person for appointment as a medical referee unless satisfied that such person –
 - (a) is a registered medical practitioner of at least 5 years’ standing; and
 - (b) in the opinion of the Medical Officer of Health, has the character, experience and qualifications to discharge the duties required of a medical referee under these Regulations.”.

4 Regulation 5 amended

In Regulation 5 of the principal Regulations –

- (a) in paragraph (1) for the words “the Medical Officer of Health” there shall be substituted the words “a medical referee”;
- (b) in paragraph (2) for the words “the Medical Officer of Health” there shall be substituted the words “the medical referee considering the application”.

5 Regulation 7 amended

- (1) In the heading of Regulation 7 of the principal Regulations for the words “Medical Officer of Health” there shall be substituted the words “medical referee”.
- (2) In Regulation 7(1) of the principal Regulations for the words “The Medical Officer of Health” there shall be substituted the words “A medical referee”.
- (3) For Regulation 7(2) of the principal Regulations there shall be substituted the following paragraph –

“(2) The medical referee considering the application made under Regulation 5, if satisfied that all the formalities required by these Regulations have been carried out, and if having no grounds for refusing cremation under Regulation 8, shall issue the necessary authorization in the form set out in Schedule 6.”.

6 Regulation 8 substituted

For Regulation 8 of the principal Regulations there shall be substituted the following Regulation –

“Where –

- (a) it appears to the medical referee considering an application under Regulation 5, from the cause of death assigned in the medical certificates accompanying the application, that the death has, or

might have, resulted from poison, violence, any illegal operation or from privation or neglect; or

- (b) the circumstances give rise to any suspicion whatsoever on the part of the medical referee considering the application,

the medical referee shall refuse to allow the cremation, and shall forthwith refer the matter to the Viscount.”.

7 Regulation 9 amended

In Regulation 9 of the principal Regulations –

- (a) for the words “the Medical Officer of Health” in both places where they appear there shall be substituted the words “a medical referee”;
- (b) in paragraph (b) for the words “the Medical Officer of Health’s satisfaction” there shall be substituted the words “a medical referee’s satisfaction”.

8 Regulation 10 amended

In Regulation 10 of the principal Regulations for the words “the Medical Officer of Health” there shall be substituted the words “a medical referee”.

9 Regulation 11 amended

In Regulation 11(2) of the principal Regulations for the word “Bailiff” there shall be substituted the word “Viscount”.

10 Schedule 6 amended

In Schedule 6 to the principal Regulations for the words “Medical Officer of Health” there shall be substituted the words “Medical referee”.

11 Citation and commencement

These Regulations may be cited as the Cremation (Amendment No. 15) (Jersey) Regulations 2011 and come into force 7 days after they are made.

M.N. DE LA HAYE

Greffier of the States

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- ¹ *chapter 20.075*
² *chapter 20.075.60*
³ *chapter 20.875*