



Jersey

CREMATION (JERSEY) LAW 1953

Official Consolidated Version

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Showing the law from 28 September 2021 to Current



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CREMATION (JERSEY) LAW 1953¹

A **LAW** to regulate the burning of human remains, and to provide for matters incidental thereto

Commencement [[see endnotes](#)]

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.

2 Establishment of crematorium

- (1) The right to establish and maintain a crematorium in Jersey 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”.

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,

and may make Regulations –

- (f) applying the provisions of the [Marriage and Civil Status \(Jersey\) Law 2001](#) to cases where human remains are disposed of by cremation;
 - (g) requiring any applications made under the Regulations to be verified in such manner as may be prescribed by the Regulations.²
- (2) Regulations made under this Article may be amended by subsequent Regulations and shall remain in force until repealed.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 Jersey 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.

4 Power to make Orders with regard to certain fees³

- (1) The Minister for Health and Social Services may make Orders prescribing–
 - (a) the fees and other charges to be made by the States for cremations;
 - (b) maximum fees in respect of the completion of any medical certificates required by Regulations made under Article 3.⁴
- (2) ⁵

5 Penalties

- (1) Any person who contravenes the provisions of any Regulations made under Article 3, or any Order made under Article 4, 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 the person may otherwise incur) be liable to a fine.⁶
- (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 the person may otherwise incur) be liable to imprisonment for a term not exceeding 2 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 5 years.

6 Incumbent not to be obliged to perform burial service

- (1) The incumbent of any ecclesiastical parish shall not, with respect to the incumbent's parishioners or persons dying in the incumbent's parish, be under any obligation to perform a funeral service before, at or after the cremation of their remains, but, upon the incumbent's 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.

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

7 Savings

- (1) Nothing in this Law shall be construed as derogating in any way from the jurisdiction of the Royal Court or the Viscount under the Inquests and Post-mortem Examinations (Jersey) Law 1995.⁷
- (2) Nothing in this Law shall authorize the creation of a nuisance.

8 Citation

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

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement
Cremation (Jersey) Law 1953	L.10/1953	23 May 1953
Cremation (Amendment) (Jersey) Law 1980	L.10/1980	1 March 1984 (R&O.7251)
Cremation (Amendment No. 2) (Jersey) Law 1983	L.8/1983	1 March 1984 (R&O.7251)
Inquests and Post-mortem Examinations (Jersey) Law 1995	L.9/1995	1 July 1995 (R&O.8836)
Marriage and Civil Status (Jersey) Law 2001	L.31/2001	1 May 2002
States of Jersey (Amendments and Construction Provisions No. 5) (Jersey) Regulations 2005	R&O.45/2005	9 December 2005
Legislation (Jersey) Law 2021	L.8/2021 (R&O.112/2021)	28 September 2021

Table of Renumbered Provisions

Original	Current
1(2)	spent, omitted from this revised edition; former paragraph (2) inserted by L.31/2001
3(f)	deleted by L.8/1983
(g)	3(f)
(h)	deleted by L.10/1980
(j)	3(g)
3A	4
4	5
5	6
6	7
7	8

Table of Endnote References

- ¹ *This Law has been amended by the States of Jersey (Amendments and Construction Provisions No. 5) (Jersey) Regulations 2005. The amendments replace all references to a Committee of the States of Jersey with a reference to a Minister of the States of Jersey, and remove and add defined terms appropriately, consequentially upon the move from a committee system of government to a ministerial system of government*
- ² *Article 3(1) amended by L.10/1980, L.8/1983, L.31/2001*
- ³ *Article 4 inserted by L.10/1980*
- ⁴ *Article 4(1) substituted by L.8/1983*

⁵ Article 4(2)

deleted by L.8/2021

⁶ Article 5(1)

amended by L.10/1980, L.8/1983

⁷ Article 7(1)

substituted by L.9/1995