

**Ordonnance relative à la Crémation (Le 12 octobre 1929)**

Vu l'article III de la loi relative à la Crémation sanctionnée par Ordre de Sa Majesté en Conseil en date du 14 août 1928 enregistré sur les Records de cette Ile le 1er septembre 1928, qui autorise la Cour

Royale à faire des règlements par Ordonnance pour les objets mentionnés dans le dit article de la dite loi;

La Cour, ouïes les conclusions des Officiers du Roi, a adopté les règlements suivants rédigés en anglais, lesquels auront force de Loi en cette Ile.

Definition      The expression "the Committee" used in this Ordinance means the States Board of Administration appointed by the States as a Committee in pursuance of Article III of the law entitled "Loi relative à la Crémation (1928)" or the person acting under the authority of such Board.

Creatorium regulations      1.—Every crematorium shall be  
(a) maintained in good working order;  
(b) provided with a sufficient number of attendants;  
and  
(c) kept constantly in a clean and orderly condition.

Inspection      2.—Every crematorium shall be open to inspection at any reasonable time by any person or persons appointed for that purpose by the Royal Court.

Written directions to contrary      3.—It shall not be lawful to cremate the remains of any person who is known to have left a written direction to the contrary.

Unidentified human remains      4.—It shall not be lawful to cremate human remains which have not been identified.

Death of deceased must have been registered      5.—No cremation shall be allowed until the death of the deceased has been duly registered at the office of the Registrar in conformity with the law relating to certificates of death and burials and unless a certificate has been issued by one of the Law Officers of the Crown in conformity with Form F hereto to the effect that all the formalities required by law have been duly fulfilled.

Applications for cremation      6.—No cremation shall be allowed to take place unless application therefor be made, and the particulars stated in the application be confirmed by declaration in accordance with Form A in the schedule hereto.

The application must be signed and the declaration made by an executor or by the nearest surviving relative of the deceased, or, if made by any other person, must

show a satisfactory reason why the application is not made by an executor or by the nearest surviving relative.

Where a deceased person has left a husband or wife surviving, such husband or wife shall for the purposes of this Ordinance be deemed to be the nearest surviving relative.

7.—Except as hereafter provided, no cremation shall be allowed to take place unless Further regulations

- (a) a certificate in Form B be given by a Medical practitioner authorised to practice in this Island who has attended the deceased during his last illness and who can certify definitely as to the cause of death, and a confirmatory medical certificate in Form C be given by the Medical Officer of Health, or his Deputy, or in cases where the Medical Officer of Health or his deputy has attended the deceased, by a medical practitioner, authorised to practice in this Island; or
- (b) a post-mortem examination has been made by a medical practitioner authorised to practice in this Island, expert in pathology appointed by one of the Law Officers of the Crown (or in the case of emergency appointed by the Medical Officer of Health). The medical practitioner shall be assisted by the Medical Officer of Health and a certificate shall be given by them in Form D; or
- (c) an inquest has been held and a certificate has been given by the Magistrate in Form E.

8.—The duties of the Law Officer of the Crown shall be as follows:— Duties of the Law Officer of the Crown

(1) He shall not allow any cremation to take place if it appears that the deceased left a written direction to the contrary.

(2) He shall not (except where an inquest has been held and certificate given by the Magistrate in Form E) allow any cremation to take place unless he is satisfied that the death of the deceased has been duly registered by the production of a

certificate of registry of death on one of the forms provided by the Registrar for production in cases of burial.

(3) He shall, before allowing the cremation, examine the application and certificates and ascertain that they are such as are required by this Ordinance and that the inquiry made by the persons giving the certificates has been adequate. He may make any inquiry with regard to the application and certificates that he may think necessary.

(4) He shall not allow the cremation unless he is satisfied that the application is made by an executor or by the nearest surviving relative of the deceased, or if made by any other person, that the fact that the executor or nearest relative has not made the application is sufficiently explained, and that the person making the application is a proper person to do so.

(5) He shall not allow the cremation unless he is satisfied that the fact and cause of death have been definitely ascertained; and in particular, if the cause of death assigned in the Medical certificates be such as, regard being had to all the circumstances, might be due to poison, to violence, to any illegal operation, or to privation or neglect, he shall not allow the cremation unless a post-mortem examination be held, and if a post-mortem fails to reveal the cause of death, shall decline to allow the cremation unless an inquest be held and a certificate be given by the Magistrate in Form E.

(6) If it appears that death was due to poison, to violence, to any illegal operation, or to privation or neglect, or if there are any suspicious circumstances whatsoever, whether revealed in the certificates or otherwise coming to his knowledge, he shall decline to allow the cremation unless an inquest be held and a certificate given by the Magistrate in Form E.

(7) If it is intended to hold an inquest on the body he shall not allow the cremation to take place until the inquest has been held, or until the Magistrate has given permission to dispose of the body.

(8) He may in any case decline to allow the cremation without stating any reason.

In the case of the remains of a person who has died in any place out of the Island, the Law Officer of the Crown may accept a declaration containing the particulars prescribed in Form A if it be made before any person having authority in that place to administer an oath or to take a declaration; and he may accept certificates in Forms B, C and D, if they be signed by any Medical practitioners who are shown to his satisfaction to possess qualifications substantially equivalent to those prescribed in the case of certificates under this Ordinance.

Provided that nothing herein contained shall affect the fulfilment of the provisions of the law relating to the certificates of death and to burials (1907).

9.—The remains of a deceased person who has been buried shall not be cremated without the sanction of the Court and subject to such conditions as the Court may impose.

Remains of  
deceased  
person who  
has been  
buried

10.—In the case of a body washed ashore or found at sea which cannot be identified, the Law Officer of the Crown may dispense with any of the requirements of regulations 3, 4, 5, 6, 7 and 8.

Bodies  
not identified

11.—Notwithstanding the foregoing regulations, the Law Officer of the Crown may permit the cremation of the remains of a still-born child if it be certified to be still-born by a medical practitioner authorised to practice in this Island after examination of the body, and if the Medical Officer of Health, after such enquiries as he may think necessary, declares in writing that he is satisfied that it was still-born and that there is no reason for further examination.

Still-born  
children

Disposition  
of ashes

12.—After the cremation of the remains of a deceased person, the ashes shall be given into the charge of the person who applied for the cremation if he so desires. If not, they shall be retained by the Committee and in the absence of any special arrangement for their burial or preservation, they shall be decently interred in a burial ground or scattered on the land reserved for the burial or scattering of ashes. In the case of ashes left temporarily in the charge of the Committee and not removed within a reasonable time, a fortnight's notice by the Committee shall be given to the person who applied for the cremation before the remains are interred or scattered.

Records

13.—The Committee shall immediately after a cremation has taken place make a record thereof and shall deliver the same dated and signed by its authorized officer at the Office of the Registrar of Deaths within 24 hours of the cremation. The record shall be made by entries in Form G in the schedule hereto except the entry in the last column, which the Committee shall make at the office of the Registrar of Deaths as soon as the remains of the deceased have been handed to the relatives or otherwise disposed of. The Registrar shall keep a register of all cremations in Form G.

Particulars  
to be  
preserved by  
Registrar  
of Deaths

14.—All applications, certificates, declarations and other documents relating to any cremation shall be marked with a number corresponding to the number in the register, shall be filed in order and shall be forwarded to and carefully preserved by the Registrar of Deaths.

During the hours at which the office of the Greffe is open all such registers and documents shall be open to inspection by the Medical Officer of Health or by any person appointed for that purpose by one of the Law Officers of the Crown.

Fees and  
charges

15.—The fees and charges payable in respect of a cremation shall be in accordance with a tariff prepared by the Committee and approved by the States of Deliberation.

FORM A

APPLICATION FOR CREMATION, WITH STATUTORY  
DECLARATION

I (name of applicant)  
(address)  
(occupation)

apply to the

to undertake the cremation of the remains of

(name of deceased)

(address)

(occupation)

(age) (sex)

(whether married, widow, widower, or unmarried)

The true answers to the questions set out below are  
as follows: —

1.—Are you an executor  
or the nearest surviving  
relative of the deceased?

2.—If not, state

(a) your relationship to  
the deceased (a)

(b) the reason why the (b)  
application is made  
by you and not by  
an executor or any  
nearer relative.

3.—Did the deceased leave  
any written directions as to  
the mode of disposal of his  
or her remains? If so, what?

4.—Have the near rela-  
tives of the deceased been  
informed of the proposed  
cremation?

5.—Has any near relative  
of the deceased expressed

any objection to the proposed cremation? If so, on what ground?

6.—What was the date and hour of the death of deceased?

7.—What was the place where deceased died? (Give address and say whether own residence, lodgings, hotel, hospital, nursing home, etc.)

8.—Do you know, or have you any reason to suspect, that the death of the deceased was due, directly or indirectly to

(a) violence;

(b) poison;

(c) privation or neglect?

9.—Do you know any reason whatever for supposing that an examination of the remains of the deceased may be desirable?

10.—Give name and address of the ordinary medical attendant of the deceased.

11.—Give names and addresses of the medical practitioners who attended deceased during his last illness.

I do hereby solemnly and sincerely declare that all the particulars stated above are true, and that to the best of my knowledge and belief no material particular has been omitted.

(Signature)

Declared at  
day of

the  
before me,

(Signature)

## FORM B

### CERTIFICATE OF MEDICAL ATTENDANT

I am informed that application is about to be made for the cremation of the remains of

(name of deceased)

(address)

(occupation)

Having attended the deceased before death, and seen and identified the body after death, I give the following answers to the questions set out below:—

1.—On what date, and at what hour did he or she die?

2.—What was the place where the deceased died? (Give address and say whether own residence, lodgings, hotel, hospital, nursing home, etc.)

3.—Are you a relative of the deceased? If so, state the relationship.

4.—Have you, so far as you are aware, any pecuniary interest in the death of the deceased?

5.—Were you the ordinary medical attendant of the deceased? If so, for how long?

6.—Did you attend the deceased during his or her last illness? If so, for how long?

7.—When did you last see the deceased alive? (Say how many days or hours before death.)

8.—How soon after death did you see the body, and what examination of it did you make?

9.—What was the cause of death?

Primary  
Secondary

(Specify the disease, injury, etc., and if possible distinguish the primary from the secondary cause as in the death certificate.)

What was its duration in years, months, or days?

9a.—Was there any other cause which contributed to or accelerated death? If so, state it, and if more than one other cause, state them all.

10.—What was the mode of death? (Say whether syncope, coma, exhaustion, convulsions, etc.)

What was its duration in days, hours, or minutes?

11.—State how far the answers to the last two questions are the result of your own observations, or are based on statements made by others. If on statements made by others, say by whom.

12.—Did the deceased undergo any operation during the final illness or within a year before death? If so, what was its nature, and who performed it?

13.—By whom was the deceased nursed during his or her last illness? (Give names, and say whether professional nurse, relative, etc. If the illness was a long one, this question should be answered with reference to the period of four weeks before the death.)

14.—Who were the persons (if any) present at the moment of death?

15.—In view of the knowledge of the deceased's habits and constitution do you feel any doubt whatever as to the character of the disease or the cause of death?

16.—Do you know, or have you any reason to suspect, that the death of the deceased was due, directly or indirectly, to

(a) violence;

(b) poison;

(c) privation or neglect?

17.—Have you any reason whatever to suppose a further examination of the body to be desirable?

18.—Have you given the certificate required for registration of death?

I hereby certify that the answers given above are true and accurate to the best of my knowledge and belief, that there is no circumstance known to me which can give rise to any suspicion that the death was due wholly or in part to any other cause than

(disease)

(accident)

and that there is no circumstance of any sort known to me which makes it undesirable that the body should be cremated.

(Signature)

(Address)

(Date)

(Registered qualifications)

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## FORM C

### CONFIRMATORY MEDICAL CERTIFICATE BY M.O.H.

I have examined the foregoing medical certificate, and have made personal inquiry as stated in my answers to the questions below:—

1.—Have you seen the body of the deceased?

2.—Have you carefully examined the body externally?

3.—Have you made a post-mortem examination?

4.—Have you seen and questioned the medical practitioner who gave the above certificate?

5.—Have you seen and questioned any other medical practitioner who attended the deceased?

6.—Have you seen and questioned any person who nursed the deceased during his last illness, or who was present at the death?

7.—Have you seen and questioned any of the relatives of the deceased?

8.—Have you seen and questioned any other person?

(In the answers to questions 5, 6, 7, and 8, give names and addresses of persons seen and say whether you saw them alone.)

I am satisfied that the cause of death was  
and certify that I know of  
no circumstance which can give rise to any suspicion  
that death was due wholly or in part to any other cause  
than (disease)  
(accident)  
and that there is no circumstance of any sort known to  
me which makes it undesirable that the body should  
be cremated.

(Signature)

(Address)

(Date)

(Registered qualifications)

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FORM D\*

\* New Form D substituted by amending Ordinance of 16th  
November, 1929.

FORM E

MAGISTRATE'S CERTIFICATE

I certify that I held an inquest on the body of  
and that my verdict was as follows: —

Medical evidence given by

I am satisfied from the evidence that the cause of  
death was and that  
no circumstance exists which could render necessary any  
further examination of the remains or any analysis of  
any part of the body.

(Date)

Magistrate.

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FORM F

AUTHORITY TO CREMATE

Whereas application has been made for the cremation  
of the remains of

(name)

(address)

(occupation)

And whereas I have satisfied myself that all the  
requirements of the law relating to Cremation (1928),  
and of the Ordinance made in pursuance of that law,  
have been complied with, that the cause of death has  
been definitely ascertained, and that there exists no  
reason for any further enquiry or examination:

I hereby authorise the Superintendent of the  
Crematorium at to  
cremate the said remains.

H.M.'s Procurer.

or

H.M.'s Comptroller.

(Date)

