

Subsidiary Legislation made under s. 36.

CREMATORIA REGULATIONS 2009

(LN. 2009/028)

Commencement **7.5.2009**

ARRANGEMENT OF REGULATIONS.

Regulation

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SCHEDULE

In exercise of the powers conferred upon him by section 36 of the Crematoria Act 2008, the Minister has made the following Regulations—

Title and commencement.

1. These Regulations may be cited as the Crematoria Regulations 2009 and come into operation on the day of publication.

Fees.

2.(1) The fee payable to the Government for the interment of cremated human remains in a public cemetery shall be—

- (a) for the interment in a vault of the cremated remains of a person of or over 10 years of age, £52;
- (b) for the interment in a vault of the cremated remains of a person under 10 years of age, £30;
- (c) for the interment in an ordinary grave of the cremated remains of a person of or over 10 years of age, £40;
- (d) for the interment in an ordinary grave of the cremated remains of a person under 10 years of age, £24.

There shall be no fee for the interment of the cremated remains of a still born child.

(2) The fees in sub-regulations (1)(a) to (d) shall be increased by 50% for interments that take place (with the leave in writing of the Superintendent of the cemetery) before 9 o'clock in the morning or after 6 o'clock in the afternoon during the months of March to September or before 10 o'clock in the morning or after 5 o'clock in the afternoon during the months from October to February.

(3) The above fees do not affect the payment of fees under items 7 to 24 of Schedule 2 to the Cemetery Rules.

(4) The prescribed fee under section 3(1)(f) of the Act shall be £600.

Forms.

3. An application for a cremation authorisation under section 9 of the Act shall be made in form A in the Schedule and verified by being countersigned by a person to whom the applicant is known who shall certify that the

applicant is known to him and that he has no reason to doubt the truth of any of the information furnished by the applicant.

4. A Coroner's certificate under section 10(3)(b) shall be made in form B in the Schedule.

5. A cremation authorisation under section 11 of the Act shall be made in form C in the Schedule.

Issue of cremation authorisation.

6. The Registrar of Births and Deaths shall, before issuing a cremation authorisation, examine the application and supporting documents and ascertain that they are such as are required by the Act and these Regulations. He may make any inquiry with regard to the application and supporting documentation that he may think necessary.

7. For the purposes of section 9(3)(c) and (d) of the Act where—

- (a) the deceased person died or the still-birth occurred outside Gibraltar; and
- (b) the Registrar of Births and Deaths receives a document which purports to be an authority to cremate from an overseas authority,

the Registrar of Births and Deaths may presume, unless the contrary is proven to him, that the document is evidence of the matters stated therein.

8. The Registrar of Births and Deaths shall not issue a cremation authorisation 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.

9. The Registrar of Births and Deaths shall not issue a cremation authorisation unless he is satisfied that the fact and cause of death have been definitely ascertained.

10. The Registrar of Births and Deaths may in any case decline to issue a cremation authorisation but must give reasons.

Cremations outside Gibraltar.

11.(1) Subject to sub-regulation (2) a cremation authorisation may make provision for the cremation of human remains to take place at a bona-fide crematorium outside Gibraltar.

(2) A cremation authorisation may only make such provision where the Registrar of Births and Deaths is satisfied that the provisions of the Act and these Regulations have been complied with to such an extent as would be required for him to authorise a cremation in Gibraltar.

(3) A cremation authorisation which includes provision for the cremation of human remains to take place outside Gibraltar may be subject to such conditions regarding the transportation of such remains as may be required by the Chief Environmental Health Officer.

(4) In this regulation “bona-fide crematorium outside Gibraltar” means a building or structure fitted with appliances for the purposes of cremating human remains and approved for the purposes of cremation pursuant to the law of the jurisdiction where the building or structure is located.

SCHEDULE

Form A

Application for Cremation

I, (*Name of applicant*)

(*Address*)

apply to the Registrar of Births and Deaths to undertake the cremation of the remains of—

(*Name of deceased*)

(*Address*)

(*Occupation*)

(*Age*)

(*Sex*)

(*Whether married, widow, widower, not married*)

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.
 - (b) The reason why the application is made by you and not by an executor or any nearer relative.
3. Have the near relatives of the deceased been informed of the proposed cremation?
4. Has any near relative of the deceased expressed any objection to the proposed cremation? If so, on what ground?
5. Has the deceased expressed an objection to the cremation of his remains in a testamentary instrument or act within the meaning of the Wills Act?
6. What was the date and hour of the death of the 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 and of the medical practitioners who attended deceased during his/her last illness.

I declare that to the best of my knowledge and belief the information given in this application is correct and no material particular has been omitted.

Date

(Signature)

The applicant is known to me and I have no reason to doubt the truth of any of the information furnished by the applicant.

Date

(Signature)

(Capacity in which signatory has signed)

(Name and address)

Form B

Coroner's Certificate

I certify that:—

- *(a) I have opened an inquest on the body of the undermentioned deceased person.
- *(b) a post-mortem examination of the body of the undermentioned deceased person has been made by my direction or at my request and as a result thereof I am satisfied that an inquest is unnecessary.
- *(c) I am satisfied that the death was by natural causes and no post-mortem examination or inquest is necessary.
- *(d) other (give details). *Delete whichever is inapplicable.

I am satisfied that there are no circumstances likely to call for a further examination of the body.

Particulars of deceased person

Full names (if known)

Sex

Age

Date of death

Place of death

Date Signature

Form C

Cremation Authorisation

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 Crematoria Act 2008, and of the Regulations made in pursuance of that Act, have been complied with, that the cause of death has been definitely ascertained, and that there exists no reason for any further inquiry or examination—

I hereby authorise the cremation of the said remains.

(Signature)

Registrar of Births and Deaths

(Date)

NOTE.--This authority should be signed in duplicate--one copy to be retained with the certificates and the other sent by the Registrar of Births and Deaths to the Crematorium (*where the cremation is to occur at a bona-fide crematorium outside Gibraltar the second copy must be sent by the Registrar of Births and Deaths to the applicant or his agent*).

*In the case of a stillborn child, in place of the name, address, and occupation, insert a description sufficient to identify the body, and in place of the words "that the cause of death has been definitely ascertained" insert the words "that the child was stillborn."