

GUERNSEY STATUTORY INSTRUMENT

2020 No.

**The Emergency Powers (Coronavirus) (Registration of Deaths etc. and Cremation Procedures) (Bailiwick of Guernsey) Regulations, 2020**

<i>Made</i>	<i>2<sup>nd</sup> April, 2020</i>
<i>Coming into operation</i>	<i>2<sup>nd</sup> April, 2020</i>
<i>Laid before the States</i>	<i>, 2020</i>

**WHEREAS** there are one or more persons within the Bailiwick who are or may be infected with Severe Acute Respiratory Syndrome Coronavirus 2, resulting in the occurrence of an emergency within the meaning of the Civil Contingencies (Bailiwick of Guernsey) Law, 2012<sup>a</sup> ("**the Law**");

**AND WHEREAS** one or more persons within the Bailiwick have died after being infected with Severe Acute Respiratory Syndrome Coronavirus 2;

**AND WHEREAS** the Civil Contingencies Authority ("**the Authority**") (having consulted the Medical Officer of Health in respect of the risk to public health created thereby, and by the spread of Severe Acute Respiratory Syndrome Coronavirus 2, the virus causing the disease COVID-19, and in respect of the measures necessary to prevent or slow the spread of infection) is satisfied that the conditions set out in section

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<sup>a</sup> Order in Council No. XIV of 2012; amended by Ordinance No. IX of 2016; and No. II of 2017.

13 of the Law are satisfied, and that the following regulations contain only provisions which are appropriate for and proportionate to the purpose of preventing, controlling or mitigating the emergency referred to above;

**AND WHEREAS** the Authority is satisfied that the effect of the following regulations is in due proportion to that emergency, and that they are compatible with the Convention rights within the meaning of section 1 of the Human Rights (Bailiwick of Guernsey) Law, 2000<sup>b</sup>;

**NOW THEREFORE THE AUTHORITY**, in exercise of the powers conferred on it by sections 12(1), 14, 19 of the Law, and of all other powers enabling it in that behalf, hereby orders:-

#### PART I

#### MODIFICATIONS TO LEGISLATION RELATING TO REGISTRATION OF DEATHS AND STILL-BIRTHS

*Legislation extending to the Bailiwick except for registration of deaths and still-births in  
Alderney*

#### **Modification of the Loi relative à l'Enregistrement des Naissances et Décès dans le Bailliage de l'Île de Guernesey.**

1. (1) The Loi relative à l'Enregistrement des Naissances et Décès dans le Bailliage de l'Île de Guernesey<sup>c</sup> of 1935 ("**the 1935 Law**") is modified as follows for

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<sup>b</sup> Order in Council No. XIV of 2000; amended by No. I of 2005; Ordinance No. XXXVII of 2001; No. XXXIII of 2003; No. XX of 2015; No. IX of 2016; No. XXVI of 2018; and G.S.I. No. 27 of 2006.

<sup>c</sup> Ordres en Conseil Vol. X, p. 20; as amended by Ordres en Conseil Vol. XXII, p. 48; Vol. XXVII, p. 40; Vol. XXXI, p. 278 and Ordres en Conseil Vol. XXXIII, p. 444.

all purposes of or under the 1935 Law or any other enactment.

(2) The French text of the 1935 Law is modified in the same way as is set out in the following modifications to the official English translation of that Law.

(3) Articles 9 (declaration of death) and 17 (still-born children) have effect as if the requirement to make a declaration in person or to send it by a person of at least sixteen years of age were substituted by a requirement to send the declaration by post, electronic means (including email message) or such other means as is specified by the Registrar-General in guidance.

(4) Article 11 (doctor's certificate) has effect as if the words "that he has seen the body of the deceased and stating" were omitted.

(5) Article 15 (limit of time for keeping body) is disapplied provided that the body is in the custody of the States of Guernsey or a funeral director.

(6) Form C (medical certificate of cause of death) and the notes to Form C in the Schedule have effect as if the following were omitted –

(a) on the second page –

(i) the words "that I was in medical attendance during the above-named deceased's last illness, and",

(ii) in Note 1, the second sentence, and

(b) the certification section at the end of the Form headed "CERTIFICATE (See Note 1 above)".

**Modification of the Loi relative aux certificats de Décès et aux Enterrements.**

2. (1) The Loi relative aux certificats de Décès et aux Enterrements of 1910<sup>d</sup> ("the 1910 Law") is modified as follows for all purposes of or under that Law or any other enactment.

(2) The French text of the 1910 Law is modified in the same way as is set out in the following modifications in English.

(3) Articles 1 (déclaration par écrit etc.) and 8 (enfant mort-né) have effect as if the requirement to make a declaration in person or to send it by a person who has reached the age of majority were substituted by a requirement to send the declaration by post, electronic means (including email message) or such other means as is specified by the Registrar-General in guidance.

(4) Article 6 (défense de garder sans permission un corps au-delà de six jours) is disapplied provided that the body is in the custody of the States of Alderney or a funeral director.

(5) Form A (medical certificate of cause of death) and the notes to Form A in the Schedule have effect as if the following were omitted –

(a) in the certification following the table relating to cause of death –

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<sup>d</sup> Ordres en Conseil Vol. IV. p. 328; amended by Ordres en Conseil Vol XXII, p. 501 which substituted the original Form A for a Form A in English and Ordres en Conseil Vol. XXXVIII, p. 59.

- (i) the words "that I was in medical attendance during the above-named deceased's last illness, and", and
  - (ii) in Note 1, the second sentence, and
- (b) the certification section at the end of the Form headed "CERTIFICATE (See Note 1 above)".

PART II  
MODIFICATIONS TO LEGISLATION RELATING TO CREMATIONS IN  
GUERNSEY

**Modification of legislation relating to cremation.**

3. (1) The Cremation Ordinance, 1972<sup>e</sup> is modified as follows for all purposes of or under the Loi relative à la Crémation<sup>f</sup> or any other enactment.

(2) Section 6 (applications for cremation) has effect as if subsections (3) and (5) requiring the application to be verified by being countersigned or accompanied by a declaration of truth made on oath were omitted.

(3) In section 7 (certificates of medical attendance or post-mortem examination), paragraph (a) has effect as if –

- (a) the words "who has attended the deceased during his last illness and" were omitted, and

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<sup>e</sup> Recueil d'Ordonnances Tome XVIII, p. 90; amended by Ordinance No. XXXIII of 2003 and No. IX of 2016.

<sup>f</sup> Ordres en Conseil Vol. VIII p. 209; as amended by Ordres en Conseil Vol. XXXI, p. 278.

- (b) it did not require a confirmatory medical certificate in Form C in the First Schedule to have been given before a cremation is allowed to take place.

(4) Section 9 (applications for cremation of remains of a person who died outside this Island) has effect as if –

- (a) it did not require the application to be verified by being countersigned or by a declaration by the applicant, and
- (b) the wording following paragraph (c) referred to "Forms B and D in the First Schedule".

#### **Interpretation.**

4. (1) In these Regulations, unless the context requires otherwise –

"**by post**" means by recorded delivery service or ordinary letter post, and

"**the Registrar-General**" means the Registrar-General of births and deaths for the Bailiwick.

(2) Other terms used in these Regulations in provisions modifying an enactment have the same meaning as in that enactment.

#### **Citation.**

5. These Regulations may be cited as the Emergency Powers (Coronavirus) (Registration of Deaths etc. and Cremation Procedures) (Bailiwick of Guernsey) Regulations, 2020.

#### **Commencement.**

6. These Regulations shall come into force on being made.

Dated this 2<sup>nd</sup> day of April, 2020



G.A. ST. PIER

Chairman of the Civil Contingencies Authority

For and on behalf of the Authority

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EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations are emergency regulations made by the Civil Contingencies Authority under Part 3 of the Civil Contingencies (Bailiwick of Guernsey) Law, 2012 ("**the Law**"). They are made on the occurrence of an emergency, within the meaning of the Law, in the Bailiwick, arising from the urgent need to prevent the spread of the virus Severe Acute Respiratory Syndrome Coronavirus 2 and the disease caused thereby, COVID-19 (referred to together in these regulations as coronavirus). They are prefaced with a statement by the Civil Contingencies Authority, as required by section 12(2) of the Law.

They temporarily modify procedures in relation to registration of deaths and still births in Guernsey and Sark and in Alderney (Part I) and in relation to cremations in Guernsey (Part II). These amendments are to remove requirements for things to be done in person and to simplify procedures relating to registration of deaths and still-births and cremations during the current emergency situation.

The modifications in relation to registration of deaths and still-births are to remove requirements to make declarations of death in person, for a doctor signing a medical

certificate of death to certify that he or she had attended the deceased during his or her last illness and to disapply requirements limiting the time a body is kept provided it is in the custody of the States of Guernsey (where the body is in Guernsey), the States of Alderney (where the body is in Alderney) or the relevant funeral director.

The modifications in relation to cremations are to remove the requirements for an application for cremation to be verified by being countersigned or by the applicant giving a declaration made on oath and for a confirmatory medical certificate to be given (Form C in the Cremation Ordinance, 1972).

These Regulations will come into force on the 2<sup>nd</sup> April, 2020 and shall have temporary effect only in accordance with the provisions of section 16 (duration and scrutiny of emergency regulations) of the Law.