

STATES OF JERSEY



DRAFT CREMATION (JERSEY) AMENDMENT REGULATIONS 202- (P.29/2026): COMMENTS

**Presented to the States on 19th March 2026
by the Health and Social Security Scrutiny Panel**

STATES GREFFE

COMMENTS

Background

The Draft Cremation (Jersey) Amendment Regulations 202- [\[P.29.2026\]](#) (“draft Regulations”) were lodged ‘au Greffe’ by the Minister for Health and Social Services (“the Minister”) on 6th February 2026. The Health and Social Security Scrutiny Panel (“the Panel”) has considered the draft regulations and is broadly supportive of the proposed changes.

Panel Observations

The Panel recognises that the current Cremation (Jersey) Regulations 1961 are significantly outdated and that this has, in some instances, caused distress, administrative delays, and avoidable legal complications for bereaved families. The proposed amendments represent a necessary and proportionate modernisation of the framework and are aligned with contemporary practice in the UK and elsewhere.

Repeal of provisions on written directions

The Panel agrees that the removal of the statutory prohibition on cremation where the deceased has left historic written directions against cremation is appropriate and overdue. Evidence presented in the proposition clearly shows that the existing rules place Medical Referees in an untenable legal position and can prevent families from honouring the genuine, more recent wishes of their loved one. Allowing immediate family and executors to exercise informed judgement, rather than binding medical professionals to often outdated documents, is consistent with modern practice and respects family autonomy.

Clarifying who may apply for cremation

The amendments replacing “nearest relative” with a clear definition of “near relative” provide a more coherent and practical framework. The Panel agrees that aligning Jersey’s provisions with the clearer UK model reduces ambiguity and helps ensure that applications are made by those with the closest relationship to the deceased, without over-formalising or complicating the process.

Modernising the Counter-signatory requirements

The Panel supports expanding eligibility to countersign an application and restricting counter-signatories from being related to the deceased or the applicant. This approach strengthens safeguards, reduces administrative burden, and removes outdated criteria, particularly property ownership, while making the process more accessible and less intrusive for bereaved families.

Updating the Application Form (Schedule 1)

The Panel welcomes the modernisation of the Schedule 1 form, including clearer layout, additional safeguards, and the inclusion of a question on medical implants to protect crematorium staff and equipment. These updates reflect operational realities and will improve clarity for families and administrators.

Minor technical and drafting improvements

The Panel notes and supports the technical drafting improvements included in the Schedule, which update outdated language, correct statutory references, and ensure consistency with current legislative standards. These amendments do not alter policy intent but improve clarity and usability of the Regulations.

Impact on services and communities

The Panel is reassured that consultation has been undertaken with relevant professionals, crematorium staff, faith and non-religious communities, and that the changes are not expected to adversely affect any religious or cultural groups. Placing decision-making with close family and executors is consistent with UK practice and is considered a neutral and appropriate approach.

Conclusion

The Panel supports the amendments set out in P.29/2026. The draft Regulations modernise an outdated legal framework, reduce unnecessary distress for families, improve clarity for medical professionals, and align Jersey's cremation processes with contemporary best practice. The Panel considers the measures proportionate, practical, and beneficial, and therefore raises no concerns that would impede their progression.

While operational issues fall outside the scope of the legislative amendments themselves, the Panel has been made aware that some bereaved families have experienced delays in securing a cremation service on the Island. Such delays can cause significant distress at an already difficult time. The Panel has received clear assurances from the Crematorium team that there are no operational delays within the Crematorium service itself, and that any waiting times that arise may, in some cases, be linked to factors outside of Government's or the Crematorium's direct control. Nevertheless, the Panel considers that this issue warrants review to ensure that families can expect a timely and efficient service. Improving the overall timeliness of cremation arrangements should, in the Panel's view, form part of the broader commitment to modernising and humanising Jersey's death management processes.