

Statutory Document No. 2020/0221



Emergency Powers Act 1936

EMERGENCY POWERS (MEDICAL EVIDENCE FOR CREMATION) (CORONAVIRUS) REGULATIONS 2020

Laid before Tynwald: 14 April 2020
Approved by Tynwald: 14 April 2020
Coming into Operation: in accordance with regulation 2

The Governor in Council, by Order¹, makes the following Regulations under section 4 of the Emergency Powers Act 1936.

1 Title

These Regulations are the Emergency Powers (Medical Evidence For Cremation) (Coronavirus) Regulations 2020.

2 Commencement

These Regulations come into operation immediately after they are made² and continue to have effect throughout the Coronavirus Proclamation period.

3 Interpretation

In these Regulations —

“**Coronavirus**” means the severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2);

“**the Coronavirus Proclamation period**” means the period for which the Proclamation of Emergency dated 16 March 2020³ is in operation; and

“**principal Regulations**” means the Cremation Regulations 2000⁴.

¹ Section 4(1) specifies that “Where a proclamation of emergency has been made, and so long as such proclamation is in force, it shall be lawful for the Governor in Council, by Order, to make regulations ...”.

² By virtue of section 4(2) of the Emergency Powers Act 1936, the Regulations made under this Order must be laid before Tynwald within 7 days of being made and only continue in force beyond 7 days of being so laid if Tynwald passes a resolution to that effect.

³ SD 2020/0162.

⁴ SD 613/00.

4 General

These Regulations provide for the temporary modification of the principal Regulations for the duration of the Coronavirus Proclamation Period.

5 Regulation 7 (medical evidence) of the principal Regulations modified

- (1) During the Coronavirus Proclamation period paragraph (3) of regulation 7 (medical evidence) of the principal Regulations is modified as follows.
- (2) At the end of sub-paragraph (a), omit “and”.
- (3) For sub-paragraph (b), substitute —
 - ☐(b) a post-mortem examination has been made by a medical practitioner qualified as prescribed in paragraph (4) and the medical practitioner who gives the certificate in Form B knows the result of that examination before giving his certificate; and
 - (c) in any case where the medical practitioner signing the certificate in Form B attributes the death to the primary or contributory condition of Coronavirus, and that cause is accepted by the Medical Referee. ☐.

6 Transitional provisions on expiry of these Regulations

At the end of the Coronavirus Proclamation period for which the principal Regulations were temporarily modified, these Regulations continue to apply to the cremation of the remains of a person who died during that period but whose remains have not been cremated unless, at the end of that period, the certificate in Form B has not been signed by a medical practitioner in relation to the deceased person for the purposes of regulation 7(1) to the principal Regulations as temporarily modified.

MADE AT 09:55 ON 8TH APRIL 2020

W GREENHOW
Chief Secretary



EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made by the Governor in Council under section 4 of the Emergency Powers Act 1936 and following a proclamation of a state of emergency under section 3 of that Act.

These Regulations are made for the purpose of securing the essentials of life to the community of the Island and for the protection of the economy of the Island.

These Regulations temporarily modify the Cremation Regulations 2000 [SD 613/00] for the duration of the present state of emergency.

For the duration of these Regulations paragraph (3) of regulation 7 (medical evidence) of the Cremation Regulations 2000 is temporarily modified by the addition of subparagraph (c).

This temporary modification provides that a confirmation medical certificate in Form C is not required in any case where the Doctor signing the certificate in Form B attributes the death to the primary or contributory cause of Coronavirus, and that cause is accepted by the Medical Referee.