

**THIRD SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 3,700 of 5th March, 2009

B. 07/09

BILL

FOR

AN ACT to amend the Crematoria Act 2008.

ENACTED by the Legislature of Gibraltar.

Title and commencement.

1. This Act may be cited as the Crematoria (Amendment) Act 2009 and comes into operation on the day of publication.

Amendment of the Crematoria Act 2008.

2.(1) The Crematoria Act 2008 is amended as follows.

(2) In section 2 delete the definition of “registered medical practitioner”.

(3) In section 8 after subsection (2) insert—

“(3) A person must not export human remains for the purposes of cremation outside Gibraltar or assist in the exportation of human remains for the purpose of cremation outside Gibraltar unless the Registrar of Births and Deaths has granted a cremation authorisation with respect to those human remains.

(4) A person who contravenes subsection (3) is liable on summary conviction to a fine at level 5 on the standard scale or 6 months imprisonment or to both.”.

(4) In section 9 for subsection (3)(a) substitute—

“(a) a copy of the notice as required under section 21 of the Births and Deaths Registration Act in respect of the death of the deceased person stating that there is no impediment to cremation;”.

(5) Deleting sections 14, 15 and 16.

EXPLANATORY MEMORANDUM

This Bill amends the Crematoria Act 2008 so that—

- (1) it is clarified that it is an offence to export (or assist in exportation of) human remains for the purposes of their cremation outside Gibraltar unless there is a cremation authorisation in place;
- (2) the procedure with regards to the medical certification required for the purposes of the cremation of human remains is simplified. This change will be reflected in an amendment to Form D of Schedule 1 to the Births and Deaths Registration Rules.