

Statutory Document No. 2020/0221



*Emergency Powers Act 1936*

## **EMERGENCY POWERS (MEDICAL EVIDENCE FOR CREMATION) (CORONAVIRUS) REGULATIONS 2020<sup>1</sup>**

*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 Order<sup>1</sup>, 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 made<sup>2</sup>.

### **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 2020<sup>3</sup> is in operation; and

“**principal Regulations**” means the Cremation Regulations 2000<sup>4</sup>.

<sup>1</sup> 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 ...”.

<sup>2</sup> 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.

<sup>3</sup> SD 2020/0162.

<sup>4</sup> 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 8<sup>TH</sup> APRIL 2020

## ENDNOTES

### Table of Endnote References

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<sup>1</sup> The format of this legislation has been changed as provided for under section 75 of, and paragraph 2 of Schedule 1 to, the Legislation Act 2015. The changes have been approved by the Attorney General after consultation with the Clerk of Tynwald as required by section 76 of the Legislation Act 2015.

<sup>2</sup> Reg 2 amended by SD2020/0249 with effect from 14/04/2020 at 14:48.