

PROJET DE LOI

ENTITLED

Loi relative aux Certificats de Décès et aux Enterrements *

[CONSOLIDATED TEXT]

NOTE

This consolidated version of the enactment incorporates all amendments listed in the footnote below. It has been prepared for the Guernsey Law website and is believed to be accurate and up to date, but it is not authoritative and has no legal effect. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from Her Majesty's Greffier, Royal Court House, Guernsey, GY1 2PB.

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* Ordres en Conseil Vol. IV, p. 328; as amended by the Registration of Deaths (Amendment) (Alderney) Law, 1970 (Ordres en Conseil Vol. XXII, p. 501); the Registration of Births, Deaths and Marriages (Miscellaneous Provisions) (Bailiwick of Guernsey) Law, 1979 (Ordres en Conseil Vol. XXVII, p. 40); the Uniform Scale of Fines (Alderney) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 306). See also the Government of Alderney Law, 1948 (Ordres en Conseil Vol. XIII, p. 416); the Registration of Births, Deaths and Marriages (Miscellaneous Provisions) (Bailiwick of Guernsey) Law, 1979 (*supra*); the Still-Birth (Definition) (Bailiwick of Guernsey) Law, 1998 (Ordres en Conseil Vol. XXXVIII, p. 59); the Government of Alderney Law, 2004 (No. III of 2005).

PROJET DE LOI

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Loi relative aux Certificats de Décès et aux Enterrements

ARRANGEMENT OF ARTICLES

ARTICLE GÉNÉRAL

Interprétation des termes.

1. Déclaration par écrit sera faite au Registraire avant cinq jours expirées depuis la mort, accompagnée du certificat d'un médecin. Enfant mort-né.
2. Défense d'enregistrer la mort sans production d'un certificat de médecin ou d'un Acte de Cour.
3. Dans des cas exceptionnels Médecin avertira Procureur du Roi.
4. Registraire ne livrera pas de certificat de décès ni permission d'enterrer sans avoir reçu certificat du Médecin ou Acte de Cour.
5. Défense d'enterrer sans permission suivant forme "B". Mort apporté dans l'Île.
6. Défense de garder sans permission un corps au-delà de six jours.
7. Cour autorisée à passer Ordonnances spéciales.
8. Enfant mort-né.
9. États fourniront registres et formes.
10. Salaire du Registraire.

Rappel d'Ordonnances.

CÉDULE

Form "A"	Medical Certificate of cause of death.
Forme "B"	

PROJET DE LOI

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Loi relative aux Certificats de Décès et aux Enterrements ¹

ARTICLE GÉNÉRAL

Interprétation des termes.

Dans cette Loi –

le terme "**médecin**" s'applique à tout médecin et chirurgien exerçant sa profession dans cette Île,

le terme "**Registraire**" signifie le Greffier du Roi, ou, dans son absence, son député, dûment sermenté député Greffier, lequel est, pour le présent, le Registraire en cette Île des morts.

NOTES

In accordance with the provisions of the Government of Alderney Law, 2004, section 25(1)(a), with effect from 1st May, 2005, the functions of the Greffier include those functions, other than those specified in section 15(a) of the 2004 Law (being those relating to the keeping of a record of legislation and the registering of enactments therein), which it was, immediately before 8th March 1949, the duty of the Greffier to perform and which are not assigned by law to any other person; and, in accordance with the provisions of section 25(1)(e) of the 2004 Law, the functions of the Greffier include those functions assigned by law to the Clerk of the Court, including (section 25(e)(iii) of the 2004 Law) the functions of the Clerk of the Court under the legislation for the time being in force relating to the registration of births, marriages and deaths.²

Déclaration par écrit sera faite au Registraire avant [cinq jours] expirées depuis la mort, accompagnée du certificat d'un médecin. Enfant mort-né.

1. [Avant l'expiration de cinq jours] depuis la mort d'une personne, le plus proche parent demeurant dans la maison, ou, à défaut de tel, le plus proche parent dans l'Île, et, à défaut de tel, l'occupant ou le propriétaire de la maison où elle est morte, ou celui qui a la surveillance des funérailles, est tenu, sous une pénalité qui n'excédera pas [une livre sterling], de faire en personne, ou d'envoyer par une personne d'âge majeur, au Registraire, un Rapport par écrit, sous son seing, spécifiant le nom, le prénom, et l'âge du décédé, l'heure et la date du décès, le lieu où le décès a eu lieu et, autant qu'il le pourra, les noms et prénoms des parents du défunt, son état ou profession, le lieu de sa naissance, et le lieu de sa résidence ordinaire, le tout accompagné du certificat d'un médecin constatant la cause de mort, [...] ou constatant qu'il n'est pas à même de constater la cause de mort, [...] et qu'il y a lieu d'informer le Procureur du Roi, ou d'un Acte de Cour permettant l'inhumation du Corps. Les dispositions de cet Article s'appliqueront, autant que possible, dans le cas d'un enfant mort-né.

NOTES

In Article 1,

the words in the first pair of square brackets were substituted by the Registration of Births, Deaths and Marriages (Miscellaneous Provisions) (Bailiwick of Guernsey) Law, 1979, section 4, with effect from 23rd April, 1979;

the words and figure in the second pair of square brackets were substituted by the Uniform Scale of Fines (Alderney) Law, 1989, section 2(2), with effect from 1st October, 1989;

the words omitted in the third and fourth pairs of square brackets were repealed by the Registration of Deaths (Amendment) (Alderney) Law, 1970, section 1(a), with effect from 4th May, 1977;

the words in square brackets in the marginal note thereto have been substituted as a consequence of the amendments made by the Registration of Births, Deaths and Marriages (Miscellaneous Provisions) (Bailiwick of Guernsey) Law, 1979, section 4, with effect from 23rd April, 1979.

In accordance with the provisions of the Registration of Births, Deaths and Marriages (Miscellaneous Provisions) (Bailiwick of Guernsey) Law, 1979, section 5(2), with effect from 23rd April, 1979 and notwithstanding the

provisions of this Article, a declaration of death made to the Registrar may be accompanied by a certificate in the form contained in the Schedule to the 1979 Law instead of a certificate containing the particulars set out in this Article.

In accordance with the provisions of the Government of Alderney Law, 2004, section 25(1)(b), with effect from 1st May, 2005, the functions of the Greffier include those functions which it was, immediately before 8th March 1949, the duty of the Procureur du Roi to perform and which are not assigned by law to any other person.³

In accordance with the provisions of the Registration of Births, Deaths and Marriages (Miscellaneous Provisions) (Bailiwick of Guernsey) Law, 1979, section 6, with effect from 23rd April, 1979, any act done or certificate or permission signed or issued for the purposes of this Law during the period commencing on 1st January, 1970 and ending on 3rd May, 1977, shall be deemed to have been lawfully done, signed or issued, as the case may be, as if the Registration of Deaths (Amendment) (Alderney) Law, 1970 had come into force upon the said 1st January, 1970, and as if this Law had been in force throughout the said period as amended by the Law of 1970.

Défense d'enregistrer la mort sans production d'un certificat de médecin ou d'un Acte de Cour.

2. Il est défendu d'enregistrer la mort d'une personne sans la production d'un Certificat suivant la forme "A" de la Cédule ci-annexée, signé d'un médecin, constatant la cause de mort [...] ou un Certificat constatant qu'il n'est pas à même de constater la cause de mort [...], et qu'il y a lieu d'informer le Procureur du Roi, ou sans production d'un Acte de Cour permettant l'inhumation du corps.

NOTES

In Article 2, the words omitted in square brackets were repealed by the Registration of Deaths (Amendment) (Alderney) Law, 1970, section 1(a), with effect from 4th May, 1977.

In accordance with the provisions of the Registration of Births, Deaths and Marriages (Miscellaneous Provisions) (Bailiwick of Guernsey) Law, 1979, section 5(1), with effect from 23rd April, 1979 and notwithstanding the provisions of this Article, where a medical practitioner has carried out a post mortem examination of the body of a deceased person and a Law Officer of the Crown is satisfied, after scrutiny of the written report of the medical practitioner upon the post mortem examination, that the death of that person

was due to natural causes, the death may be registered on production of a certificate made in accordance with the form set out in the Schedule to the 1979 Law signed by the medical practitioner and by the Law Officer of the Crown.

In accordance with the provisions of the Government of Alderney Law, 2004, section 25(1)(b), with effect from 1st May, 2005, the functions of the Greffier include those functions which it was, immediately before 8th March 1949, the duty of the Procureur du Roi to perform and which are not assigned by law to any other person.⁴

In accordance with the provisions of the Registration of Births, Deaths and Marriages (Miscellaneous Provisions) (Bailiwick of Guernsey) Law, 1979, section 6, with effect from 23rd April, 1979, any act done or certificate or permission signed or issued for the purposes of this Law during the period commencing on 1st January, 1970 and ending on 3rd May, 1977, shall be deemed to have been lawfully done, signed or issued, as the case may be, as if the Registration of Deaths (Amendment) (Alderney) Law, 1970 had come into force upon the said 1st January, 1970, and as if this Law had been in force throughout the said period as amended by the Law of 1970.

Dans des cas exceptionnels Médecin avertira Procureur du Roi.

3. Tout médecin appelé à constater la cause de mort, qui a lieu de croire qu'un crime a été commis ou que la mort a été causée ou accélérée par négligence ou qui n'est pas à même de constater la cause de mort [...], en informera de suite le Procureur du Roi.

NOTES

In Article 3, the words omitted in square brackets were repealed by the Registration of Deaths (Amendment) (Alderney) Law, 1970, section 1(a), with effect from 4th May, 1977.

In accordance with the provisions of the Government of Alderney Law, 2004, section 25(1)(b), with effect from 1st May, 2005, the functions of the Greffier include those functions which it was, immediately before 8th March 1949, the duty of the Procureur du Roi to perform and which are not assigned by law to any other person.⁵

In accordance with the provisions of the Registration of Births, Deaths and Marriages (Miscellaneous Provisions) (Bailiwick of Guernsey) Law, 1979, section 6, with effect from 23rd April, 1979, any act done or certificate or permission signed or issued for the purposes of this Law during the period

commencing on 1st January, 1970 and ending on 3rd May, 1977, shall be deemed to have been lawfully done, signed or issued, as the case may be, as if the Registration of Deaths (Amendment) (Alderney) Law, 1970 had come into force upon the said 1st January, 1970, and as if this Law had been in force throughout the said period as amended by the Law of 1970.

Registraire ne livrera pas de certificat de décès ni permission d'enterrer sans avoir reçu certificat du Médecin ou Acte de Cour.

4. Le Registraire ne livrera pas de Certificat de décès ni permission d'enterrer suivant la forme "B" de la Cédule ci-annexée, sans avoir reçu un Certificat de la cause de mort [...], signé d'un Médecin suivant la forme "A" de la Cédule ci-annexée, ou de la production d'un Acte de Cour permettant l'inhumation du Corps.

NOTES

In Article 4, the words omitted in square brackets were repealed by the Registration of Deaths (Amendment) (Alderney) Law, 1970, section 1(a), with effect from 4th May, 1977.

In accordance with the provisions of the Registration of Births, Deaths and Marriages (Miscellaneous Provisions) (Bailiwick of Guernsey) Law, 1979, section 5(3), with effect from 23rd April, 1979 and notwithstanding the provisions of this Article, the Registrar may deliver a Death Certificate and permission to bury in accordance with Forme "B" of the Schedule to this Law on receipt of a certificate of the cause of death signed by a medical practitioner and a Law Officer of the Crown in accordance with the form set out in the Schedule to the 1979 Law.

In accordance with the provisions of the Registration of Births, Deaths and Marriages (Miscellaneous Provisions) (Bailiwick of Guernsey) Law, 1979, section 6, with effect from 23rd April, 1979, any act done or certificate or permission signed or issued for the purposes of this Law during the period commencing on 1st January, 1970 and ending on 3rd May, 1977, shall be deemed to have been lawfully done, signed or issued, as the case may be, as if the Registration of Deaths (Amendment) (Alderney) Law, 1970 had come into force upon the said 1st January, 1970, and as if this Law had been in force throughout the said period as amended by the Law of 1970.

Défense d'enterrer sans permission suivant forme "B". Mort apporté dans l'Île.

5. Il est défendu au Ministre ou autre personne conduisant les funérailles

d'enterrer un mort ou d'en disposer par autre moyen sans avoir reçu du Registraire une permission suivant la forme "B". Sera tout contrevenant à ce présent article passible d'une amende qui n'excédera pas [level 3 on the uniform scale].

Dans le cas d'un mort apporté dans l'Île pour être enterré, le Certificat de décès accompagnant le corps sera exhibé au Registraire, qui livrera la permission suivant la forme "B" omettant les mots "cause de".

NOTE

In Article 5, the words and figure in square brackets were substituted by the Uniform Scale of Fines (Alderney) Law, 1989, section 2(5), Schedule, with effect from 1st October, 1989.

Défense de garder sans permission un corps au-delà de six jours.

6. Il est défendu de garder un corps au-delà de Six jours, sauf avec la permission par écrit du Procureur du Roi, sous peine d'une amende qui n'excédera pas [level 2 on the uniform scale].

NOTES

In Article 6, the words and figure in square brackets were substituted by the Uniform Scale of Fines (Alderney) Law, 1989, section 2(5), Schedule, with effect from 1st October, 1989.

In accordance with the provisions of the Government of Alderney Law, 2004, section 25(1)(b), with effect from 1st May, 2005, the functions of the Greffier include those functions which it was, immediately before 8th March 1949, the duty of the Procureur du Roi to perform and which are not assigned by law to any other person.⁶

Cour autorisée à passer Ordonnances spéciales.

7. Il est loisible à la Cour de passer de temps en temps des Ordonnances pour assurer que les morts soient enterrés sans délai, et pour régler la conduite des

enterrements, et pour porter à exécution les dispositions de la présente Loi.

NOTE

In accordance with the provisions of the Government of Alderney Law, 1948, section 9(1), with effect from 14th January, 1949, the legislative functions previously residing in the Court of Alderney shall reside in the States of Alderney.

Enfant mort-né.

8. Lors de la naissance d'un mort-né, le père, et, à son défaut, la personne ayant la charge des couches, sera tenu, sous une pénalité qui n'excédera pas [level 1 on the uniform scale], de faire en personne ou d'envoyer par l'intermédiaire d'une personne d'âge majeur, au Registraire, un rapport par écrit, et signé, de la naissance, spécifiant les noms et prénoms des parents, l'heure, le jour, et lieu de la naissance, le tout conformément, autant que possible, aux dispositions contenues en l'article premier.

NOTES

In Article 8 (and not, as shown, incorrectly, in the printed version of the 1989 Law, in Article 7), the words and figure in square brackets were substituted by the Uniform Scale of Fines (Alderney) Law, 1989, section 2(5), Schedule, with effect from 1st October, 1989.

In accordance with the provisions of the Still-Birth (Definition) (Bailiwick of Guernsey) Law, 1998, section 1(1), with effect from 3rd March, 1998, the reference herein to a child who is born dead or still-born is to be construed as referring to a child who has issued forth from its mother after the 24th week of pregnancy, and who did not at any time after being completely expelled from its mother breathe or show any other signs of life.

États fourniront registres et formes.

9. Les Registres et formes nécessaires seront fournis par les États.

Salaire du Registraire.

10. Il sera payé au Registraire par les États la somme de £6 sterling par an pour l'enregistrement des morts dans toute l'Île.

Rappel d'Ordonnances.

Sont rappelées toutes les Ordonnances ayant rapport aux Naissances, aux Mariages, et aux Morts, qui ne sont pas conformes à la présente Loi.

NOTE

The Law received Royal Sanction on 22nd April, 1910, was registered on the Records of the Island of Guernsey on 14th May, 1910 and, in accordance with the provisions of the Order in Council to which it is Scheduled, came into force on 14th June, 2010.

CÉDULE

à laquelle référence est faite dans la sus-dite Loi –

[FORM A

MEDICAL CERTIFICATE OF CAUSE OF DEATH

Name of deceased Age as stated to me yrs

Date and time of death as stated to me day of 19 , at a.m.
p.m.

Place of death

Last seen alive by me on day of 19 .

- (a. The certified cause of death takes account of post-mortem information.
(b. Post-mortem information may be available later. Seen
(c. Post-mortem not being held. _____ after death by me (see note 1)
(see note 3) Not seen

CAUSE OF DEATH		For Statistical purposes only
		Approximate interval between onset and death
I	I	I
Disease or condition directly leading to death (see note 2)	(a) due to (or as a consequence of)	(a)
Antecedent causes	(b) due to (or as a consequence of)	(b)
Morbid conditions, if any, giving rise to the above cause stating the underlying condition last	(c)	(c)
II	II	II
Other significant conditions contributing to the death, but not related to the disease or condition causing it

Consolidated text

I hereby certify that I was in medical attendance during the above-named deceased's last illness, and that the particulars and cause of death above written are true to the best of my knowledge and belief.

Signature Qualifications

Date

-
- Notes*
1. Delete whichever does not apply. If the medical practitioner in attendance during the deceased's last illness has not seen the body of the deceased, the certificate set out below must be completed by another registered medical practitioner.
 2. This does not mean the mode of dying, such as e.g. heart failure, asthenia, etc; it means disease, injury or complications which caused death.
 3. Delete whichever does not apply.

CERTIFICATE (See Note 1 above)

I hereby certify that I saw the body of the above named deceased on the day of 19 ..

Signature Qualifications

Date

]

FORME B

Je, soussigné, déclare par ces présentes que les formalités voulues par la Loi pour constater la cause [...] de mort de, décédé le 19, à ayant été observées, il est permis de faire d'inhumér le Corps d dit

Auregny, ce 19

Signature

Registraire.

NOTES

In the Schedule,

Form A was substituted by the Registration of Deaths (Amendment) (Alderney) Law, 1970, section 1(b), with effect from 4th May, 1977;

the words omitted in square brackets in Forme B were repealed by the Registration of Deaths (Amendment) (Alderney) Law, 1970, section 1(c), with effect from 4th May, 1977.

In accordance with the provisions of the Registration of Births, Deaths and Marriages (Miscellaneous Provisions) (Bailiwick of Guernsey) Law, 1979, section 6, with effect from 23rd April, 1979, any act done or certificate or permission signed or issued for the purposes of this Law during the period commencing on 1st January, 1970 and ending on 3rd May, 1977, shall be deemed to have been lawfully done, signed or issued, as the case may be, as if the Registration of Deaths (Amendment) (Alderney) Law, 1970 had come into force upon the said 1st January, 1970, and as if this Law had been in force throughout the said period as amended by the Law of 1970.

¹ The Law was previously modified by the Emergency Powers (Coronavirus) (Registration of Deaths etc. and Cremation Procedures) (Bailiwick of Guernsey)

Regulations, 2020, regulation 2, with effect from 2nd April, 2020; the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) Regulations, 2020, regulation 23, with effect from 16th April, 2020; the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 2) Regulations, 2020, regulation 23, with effect from 15th May, 2020; the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 3) Regulations, 2020, regulation 21, with effect from 13th June, 2020; the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) Regulations, 2021, regulation 17I, with effect from 23rd January, 2021; the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 2) Regulations, 2021, regulation 25, with effect from 5th February, 2021; the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 3) Regulations, 2021, regulation 25, with effect from 5th March, 2021.

² Previously, in accordance with the provisions of the Government of Alderney Law, 1948, section 64(1), with effect from 8th March, 1949, the office of Greffier du Roi ceased to exist; the functions of the Greffier in respect of keeping record of legislation and registering laws were transferred to the Court of Alderney (section 64(1)) and all other functions of the Greffier were, absent contrary provision in subsequent Ordinance, transferred to the Clerk of the Court (section 64(2)). In accordance with the provisions of the Government of Alderney Law, 1987, section 25(1)(a), with effect from 1st August, 1987, the functions of the Clerk of the Court included the functions, other than those specified in section 14(a) of the 1987 Law, which it was, immediately before 8th March 1949, the duty of the Greffier to perform and which were not functions assigned by law to any other person or body.

³ Previously, in accordance with the provisions of the Government of Alderney Law, 1948, section 63(1), with effect from 8th March 1949 and subject to the proviso therein, the office of Procureur du Roi ceased to exist; the several functions of the Procureur du Roi were transferred in accordance with the provisions of subsection (2) (to the Clerk of the Court), subsection (3) (to the Court) and subsection (6) (to the Law Officers, or a police officer, of Guernsey). In accordance with the provisions of the Government of Alderney Law, 1987, section 25(1)(b), with effect from 1st August, 1987, the functions of the Clerk of the Court included those functions which it was, immediately before 8th March 1949, the duty of the Procureur du Roi to perform and which were not functions assigned by law to any other person or body.

⁴ Previously, in accordance with the provisions of the Government of Alderney Law, 1948, section 63(1), with effect from 8th March 1949 and subject to the proviso therein, the office of Procureur du Roi ceased to exist; the several functions of the Procureur du Roi were transferred in accordance with the provisions of subsection (2) (to the Clerk of the Court), subsection (3) (to the Court) and subsection (6) (to the Law Officers, or a police officer, of Guernsey). In accordance with the provisions of the Government of Alderney Law, 1987, section 25(1)(b), with effect from 1st August, 1987, the functions of the Clerk of the Court included those functions which it was, immediately before 8th March 1949, the duty of the Procureur du Roi to perform and which were not functions assigned by law to any other person or body.

⁵ Previously, in accordance with the provisions of the Government of Alderney Law, 1948, section 63(1), with effect from 8th March 1949 and subject to the proviso therein, the office of Procureur du Roi ceased to exist; the several functions of the Procureur du Roi were transferred in accordance with the provisions of subsection (2) (to the Clerk of the Court), subsection (3) (to the Court) and subsection (6) (to the Law Officers, or a police officer, of Guernsey). In accordance with the provisions of the Government of Alderney Law, 1987, section 25(1)(b), with effect from 1st August, 1987, the functions of the Clerk of the Court included those functions which it was, immediately before 8th March 1949, the duty of the Procureur du Roi to perform and which were not functions assigned by law to any other person or body.

⁶ Previously, in accordance with the provisions of the Government of Alderney Law, 1948, section 63(1), with effect from 8th March 1949 and subject to the proviso therein, the office of Procureur du Roi ceased to exist; the several functions of the Procureur du Roi were transferred in accordance with the provisions of subsection (2) (to the Clerk of the Court), subsection (3) (to the Court) and subsection (6) (to the Law Officers, or a police officer, of Guernsey). In accordance with the provisions of the Government of Alderney Law, 1987, section 25(1)(b), with effect from 1st August, 1987, the functions of the Clerk of the Court included those functions which it was, immediately before 8th March 1949, the duty of the Procureur du Roi to perform and which were not functions assigned by law to any other person or body.