

I assent.

(L.S.)

GEORGE VELLA
President

31st May, 2019

ACT No. XVII of 2019

AN ACT to make provision for the process of cremation of human remains, including the processes relating to the licensing of crematoria, conditions for cremation, registration of cremations, and to make provision with respect to matters ancillary thereto or connected therewith.

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same, as follows: -

ARRANGEMENT OF THE ACT

	Articles
Part I	Preliminary
Part II	The Authority
Part III	Operation of Crematoria
Part IV	The National Cremation Register
Part V	Cremation
Part VI	Retention or Disposal of Cremated Remains
Part VII	Enforcement
Part VIII	Appeals
Part IX	Miscellaneous
Part X	Consequential Amendments ³
Schedule I	Form A – Application for Cremation
Schedule II	Code of Cremation Practice

A 840

PART I PRELIMINARY

Short title and
commencement.

1. (1) The short title of this Act is the Cremation Act, 2019.

(2) This Act shall come into force on such date as the Minister responsible for health may by order in the Gazette establish, and different dates may be so established for different provisions and different purposes thereof.

Interpretation.

2. In this Act, unless the context otherwise requires:

"applicant" means the person who submitted the application for cremation;

"columbarium" means an above-ground structure designed for the purpose of placing cremated remains in niches;

"cremation" means the technical process which reduces human remains to cremated remains, including the pulverisation of such remains;

"Cremation Certificate" means the document given to the applicant following cremation;

"cremation container" means any container or casket which is rigid, resistant to leaks or spills, combustible, biodegradable, and non-toxic, within which human remains are placed prior to cremation;

"cremated remains" means all human remains recovered following the completion of a cremation;

"foreign matter" means any items including, but not limited to, body prosthesis, dentures, dental bridgework, dental fillings, or jewellery found upon the deceased's body;

"grave" means any plot within any cemetery which has been constructed for burial purposes, and for the purposes of this Act, also includes private graves;

"human remains" means the body of a deceased person, in any stage of decomposition, and for the purposes of this Act, shall include stillbirths;

"inquest" means an inquest into the sudden death of a person conducted by a Magistrate under article 551 of the Criminal Code;

"Minister" means the minister responsible for health;

"National Register" means the National Cremation Register defined in article 14;

"operator" means the person in possession of a valid licence to operate a crematorium;

"register" means the Register of Cremations defined in article 24;

"Superintendent" means the Superintendent of Public Health, and to the extent of any delegation or authority given, includes an authorised officer;

"Tribunal" means the Administrative Review Tribunal established by article 5 of the Administrative Justice Act; Cap. 490.

"urn" means any sealable receptacle designed for the permanent storage of cremated remains;

"viewing room" means that space within the crematorium designated for a final private moment between the next of kin and the human remains of the deceased.

PART II THE AUTHORITY

3. (1) The authority responsible for any matter falling under this Act shall be the Superintendent. Responsible authority.

(2) Without prejudice to any other functions given to the Superintendent in accordance with any other law, the Superintendent shall have the following functions:

(a) to establish standards to ensure the quality, safety, and efficacy of crematoria;

(b) to propose to the Minister any regulations in respect of the operation of crematoria;

(c) to issue, renew, amend, suspend, or revoke licences for the operation of crematoria;

(d) to carry out inspections in relation to the operation and maintenance of crematoria, and to do all such things as may be necessary for the purpose of ensuring compliance with any provisions of this Act;

A 842

(e) to advise the Minister on any matter connected with its functions or any other provision of this Act; and

(f) to carry out any activity as may be prescribed.

(3) For the purposes of this Act, the Superintendent shall levy such fees as the Minister may by notice in the Gazette prescribe.

(4) For the proper exercise of his functions, the Superintendent may establish advisory committees as he may deem necessary.

Guidelines. **4.** The Superintendent shall, by no later than three (3) months from the coming into force of this Act, issue guidelines with regard to the procedure for the licensing of a crematorium under this Act.

Delegation of functions. **5.** The Superintendent may choose to delegate any of his powers and functions to any person within his office:

Provided that such delegation may be with respect to different parts or articles of this Act, and to different persons or entities, or to a combination thereof, who shall be subject to any direction by the Superintendent who may, at any time, revoke such delegation.

PART III OPERATION OF CREMATORIA

Licence for the operation of a crematorium. **6.** Without prejudice to any other permit required by any other entity, no person shall open or operate a crematorium in Malta without a valid licence issued by the Superintendent.

Submission and examination of applications. **7.** (1) An applicant shall apply to the Superintendent for a licence to open or operate a crematorium in the area as specified by himself in the prescribed form as per the guidelines issued in accordance with article 4.

(2) The issuing or renewal of a licence by the Superintendent shall be without prejudice to the requirement of any other licence or authorization required under any other law or by any other authority.

Crematorium facilities. **8.** Without prejudice to any other conditions as may be prescribed from time to time, every crematorium shall have, as a minimum:

(a) a mortuary;

(b) a viewing room;

(c) the adequate facilities to remove foreign matter prior to cremation;

- (d) a cremation chamber; and
- (e) space where cremated remains may be stored.

9. (1) Once the Superintendent deems an application satisfactory, he shall issue a Licence Certificate, together with any necessary licence conditions, which shall be valid for five (5) years from the date of issue.

(2) The operator shall, at all times, display such Licence Certificate, or a copy thereof, in a prominent place within the crematorium.

10. (1) An operator shall, at least three (3) months prior to the expiry of his licence, apply to the Superintendent for such licence to be renewed.

(2) The Superintendent shall renew the licence if the crematorium is operated in accordance with the provisions of this Act, and following an assessment conducted by the Superintendent, confirming adherence to the provisions of this Act.

(3) The Superintendent may allow the transfer of a licence to any other operator, if he is satisfied that all necessary requirements are met:

Provided that such transfer shall be without prejudice to the validity and enforceability of any licence conditions imposed by the Superintendent:

Provided further that such transfer from one operator to another shall not be taken to allow the physical transfer of the location of the crematorium.

11. (1) The Superintendent may refuse an application if such application is not in accordance with this Act or any other requirement as the Minister may by regulation prescribe from time to time.

(2) The refusal, together with reasons for such refusal, shall be served in writing by registered mail to the applicant within one month from the date when the application is submitted.

12. (1) The Superintendent shall have the right to revoke or suspend a licence at any time, by order upon the operator, if such operator:

- (a) is in breach of any condition of the licence;
- (b) is in breach of any of the provisions of this Act, or

any other relevant Act or policy; or

(c) obstructs, impedes or hinders any person carrying out any duties or responsibilities thereunder.

(2) The Superintendent shall revoke or suspend the licence after drawing up a report containing the reasons why the licence should be revoked or suspended:

Provided that such report shall also include evidence of due warning to the operator that the licence shall be revoked or suspended unless action is taken in an appropriate time and manner.

(3) The written revocation or suspension, together with the reasons thereof, shall be served on the operator by means of a judicial act:

Provided that such revocation or suspension shall have effect from date of service.

(4) Without prejudice to sub-article (2), where the Superintendent is satisfied that urgent reasons for such revocation or suspension subsist, he may, by order served upon the operator, revoke or suspend a licence without prior notice.

(5) As soon as is practicable, after serving the order, the Superintendent shall also affix a copy of the order in a conspicuous place on the premises used as it may consider appropriate, and any person who in anyway defaces, erases, obscures, damages or removes the said copy of the order, shall be guilty of an offence against this article.

(6) An order shall cease to have effect upon the issue of a certificate by the Superintendent to the effect that he is satisfied that the necessary remedial measures have been taken by the operator.

(7) Any operator who fails to comply with any order shall be guilty of an offence against this article.

(8) Any expenses reasonably incurred by the Superintendent to carry out any order under this article shall be recoverable as a civil debt from the operator to whom the order relates.

(9) The Government, the Superintendent, and any public officer acting on the instructions or authority of the Superintendent shall not be or become liable for any acts done in good faith under this article.

13. (1) The operator shall inform the Superintendent, in writing, of his intention to close the crematorium at least six (6) months prior to the final day of operation. Permanent closure of crematorium.

(2) The Superintendent shall acknowledge such intention and shall issue a notice in the Gazette, which shall include the final day of operation of such crematorium.

(3) Immediately upon closure, the operator shall hand over to the Superintendent its register, together with any cremated remains presently stored in the crematorium.

PART IV THE NATIONAL CREMATION REGISTER

14. (1) There shall be a National Cremation Register which shall be maintained by the Superintendent, in physical or electronic form, as may be determined by the Minister. National Cremation Register.

(2) The National Register shall record information in accordance with this article and other provisions of this Act and in such manner as may be prescribed from time to time, as follows:

(a) details of persons residing in Malta who wish to be cremated following their death;

(b) the desires of such persons with regard to the retention or disposal of their cremated remains; and

(c) details of persons who expressly declare that they do not wish to be cremated following their death.

(3) The National Register shall be the only register having legal validity for the purposes of cremation under this Act.

(4) The National Register shall not be considered to be legally binding upon the State or any of the following persons:

(a) the spouse, civil union partner, or cohabitant of the deceased person; or in their absence:

(i) a parent or child of the deceased person, or in their absence;

(ii) any other relative residing with the deceased, or in their absence;

(iii) the Superintendent; or

A 846

(b) in the case of a stillborn child, the parents of that stillborn child, or in their absence, the Superintendent; or

(c) the tutor or legal guardian of the deceased person who was subject to tutorship or guardianship, or in their absence, the Superintendent; or

(d) the Superintendent.

Registration.

15. (1) The Superintendent shall only register a person in accordance with this Section if the said person:

(a) has attained the age of sixteen (16) years;

(b) is not legally incapacitated or interdicted;

(c) has done so voluntarily, out of his own free will; and

(d) has had adequate information on the meaning and consequences of registration under this Act.

(2) The Superintendent shall amend the National Register whenever it appears to him necessary or appropriate to do so for giving better effect to the provisions of this Act, and in particular for ensuring the accuracy of information contained in the National Register, or for bringing up to date, or otherwise correcting any information entered into it.

Cap. 586.

(3) It shall be the duty of the Superintendent to ensure that the processing of the information contained in the National Register is carried out in compliance with the Data Protection Act:

Provided that the information on a particular person shall, for purposes of this Act, be accessed solely following his death, in order to determine whether that person had registered any intention with regard to cremation.

De-registration.

16. A person having registered his intention under this Act may at any time choose to retract such intention, and apply for de-registration with the Superintendent, who shall forthwith record this information and de-register the said person:

Provided that de-registration shall not bar such person from re-registering any intention in accordance with this Act once again.

Death of an unregistered person.

17. Upon the death of a person who is not registered in accordance with this Act, the choice between cremation or burial of that deceased person shall fall upon:

(a) the spouse, civil union partner, or cohabitant of the deceased person; or in their absence:

(i) a parent or child of the deceased person, or in their absence;

(ii) any other relative residing with the deceased, or in their absence;

(iii) the Superintendent; or

(b) in the case of a stillborn child, the parents of that stillborn child, or in their absence, the Superintendent; or

(c) the tutor or legal guardian of the deceased person who was subject to tutorship or guardianship, or in their absence, the Superintendent; or

(d) the Superintendent.

PART V CREMATION

18. Cremation may only take place in a crematorium with a valid licence issued by the Superintendent in accordance with this Act. Where cremation may take place.

19. (1) The operator shall ensure that all human remains are treated with dignity and respect at all times within the crematorium. Human remains to be treated with dignity.

(2) Nothing in this Act shall disrupt or deter any ceremony or practice of any person's belief, creed, or religion:

Provided that such belief, creed, or religion shall include reference to a lack thereof.

(3) All crematoria shall abide by the Code of Cremation Practice set out in Schedule II.

20. (1) An application to cremate any human remains shall be filed to any crematorium by means of the form set out in Schedule I. Application for cremation.

(2) Such application may only be filed by:

(a) the spouse, civil union partner, or cohabitant of the deceased person; or in their absence:

(i) a parent or child of the deceased person, or in their absence;

A 848

(ii) any other relative residing with the deceased, or in their absence;

(iii) the Superintendent; or

(b) in the case of a stillborn child, the parents of that stillborn child, or in their absence, the Superintendent; or

(c) the tutor or legal guardian of the deceased person who was subject to tutorship or guardianship, or in their absence, the Superintendent; or

(d) the Superintendent.

(3) Such application shall not be accepted, and no cremation shall take place, unless the application is accompanied by:

(a) a medical certificate giving the cause of death of the deceased, issued by a medical doctor; or

(b) in the case of a stillborn, a medical certificate certifying that the child was stillborn, issued by a medical doctor or registered midwife; and

(c) in those cases where an inquest was carried out, a decree is issued by the Magistrate, authorizing the release of the body for cremation; and

Cap. 10. (d) the necessary permit in accordance with article 141 of the Code of Police Laws.

Cremation of a stillborn child.

21. (1) A stillborn child may be cremated in accordance with this Act.

(2) If the applicant so requests in the application for cremation, stillborn siblings resulting from the same pregnancy may be cremated together.

(3) If the applicant so requests in the application for cremation, and if the parent who died during the delivery of the stillborn child or children did not expressly declare otherwise in the National Register, the deceased parent and stillborn child or children may be cremated together.

Removal of foreign matter.

22. (1) The applicant and any accompanying persons may request some time with the human remains in the viewing room.

(2) The operator shall then ensure that any foreign matter is removed from the human remains prior to cremation.

(3) The operator shall give any foreign matter removed to the applicant.

23. (1) Following the removal of any foreign matter, the human remains shall be placed in a cremation container and the cremation process shall be initiated. Cremation.

(2) Following the completion of the cremation process, the cremated remains shall be placed in a temporary container or urn, as the case may be, and given to the applicant, together with a Cremation Certificate.

24. (1) Every crematorium shall keep and maintain a register which shall be known as the Register of Cremations. Registration of Cremations.

(2) The operator shall at all times be responsible for the preservation of the register.

(3) The operator shall ensure that the register is available for inspection by any person so authorised by the Court by means of a decree, or by the Superintendent, at any time:

Provided that in the event that the crematorium ceases to operate, the register shall be deposited with the Superintendent in terms of article 13.

(4) For the purposes of any court proceedings, an extract from the register which is duly certified shall be sufficient evidence that the cremation in question did take place.

25. (1) The operator shall record all cremations carried out by it in the register. Contents of the register.

(2) The operator shall record information in accordance with this article and other provisions of this Act and in such manner as the Minister by regulation may prescribe from time to time, as follows:

(a) the registration number assigned to the cremation by the operator;

(b) the name and identification number of the person cremated, or in the case of a stillborn, the name;

(c) the date on which the death or the stillbirth occurred;

(d) the name and identification number of the applicant;

(e) the application for cremation;

A 850

(f) the date of the cremation; and

(g) information relating to the retention or disposal of the cremated remains.

PART VI RETENTION OR DISPOSAL OF CREMATED REMAINS

Retention or disposal.

26. Cremated remains may either be retained or disposed of in accordance with this Act.

Urns or cremated remains to be deemed *extra commercium*.

27. In all cases, any urn containing cremated remains, or cremated remains themselves, shall be deemed to be *extra commercium*.

Retention of cremated remains.

28. (1) Cremated remains may be retained in an urn.

(2) Following cremation, the operator shall place the cremated remains in the chosen urn, seal it, and give it to the applicant.

(3) Urns may be:

(a) kept in any private residence;

(b) displayed in any building, with the written permission of the owner of such private residence;

Cap. 10.

(c) buried in a grave, with the necessary permit in accordance with article 141 of the Code of Police Laws;

(d) buried at sea, except for recognised bathing areas or harbours; or

(e) placed in a columbarium.

Disposal of cremated remains.

29. (1) Following cremation, the operator shall place the cremated remains in a closed container and give it to the applicant.

(2) Cremated remains may be scattered:

(a) at sea, except for recognized bathing areas or harbours;

(b) from any aircraft;

(c) in any private residence, with the written permission of the owner of such private residence;

(d) in any open space specifically designated for the

scattering of cremated remains.

(3) The scattering of cremated remains in public urban zones shall not be permitted.

30. Where the applicant declares that he does not want to be given the cremated remains, or where such cremated remains are not collected within six months from when the cremation took place, the operator shall place such cremated remains in an urn, which shall be adequately labelled and stored in that part of the crematorium reserved for the storage of cremated remains.

Where cremated remains are not collected.

PART VII ENFORCEMENT

31. (1) The Superintendent shall have the right to enter the premises used as a crematorium in order to inspect the operations of the crematorium:

Power to enter and inspect premises and obtaining of information.

Provided that the Superintendent shall inspect any crematorium regularly, and at least annually.

(2) The Superintendent shall have the power to:

(a) at any reasonable time and without prior announcement, enter and inspect the premises used as a crematorium to assess whether the activity carried out is in accordance with the conditions of the licence;

(b) inspect any equipment, register and records kept by the crematorium;

(c) interview any person who may be in a position to give information about the operations of the crematorium;

(d) be provided with copies of any documents or records of the crematorium; and

(e) carry out any other activity which may be deemed necessary under the provisions of this Act and any regulations made thereunder.

32. The Superintendent may at any time require the operator to provide, without undue delay, any information relating to the services offered by the crematorium which is considered necessary or expedient to require for the purposes of this Act or any regulations made thereunder.

Power to request information.

A 852

PART VIII APPEALS

Appeals. **33.** (1) Any person aggrieved by any decision made by the Superintendent under this Act may file an appeal before the Tribunal.

(2) Such appeal shall be made by application and shall be filed with the registry of the Tribunal within twenty (20) days from the date on which the decision has been served in writing on the party appealing:

Provided that the application of appeal shall be served on the Superintendent, who shall, by not later than twenty (20) days from such service, file a reply with the registry of the Tribunal.

Cap. 490. (3) Any party to an appeal who feels aggrieved by a decision of the Tribunal may appeal to the Court of Appeal in terms of the Administrative Justice Act.

(4) The appeal shall be made by means of an application filed in the registry of that court within twenty (20) days from the date of the decision of the Tribunal.

PART IX MISCELLANEOUS

Conveyance of
corpses to
Malta. **34.** It shall be lawful to submit an application to a crematorium requesting the cremation of human remains of deceased persons who died outside Malta:

Provided that the Superintendent may refuse the application in the interest of public health.

Conveyance of
cremated
remains from
Malta. **35.** It shall be lawful for the crematorium to convey the cremated remains, in a sealed urn, to the address outside of Malta as provided by the applicant.

Applicability.
Cap. 10. **36.** Articles 135, 136, 137, 138, 139, 140, 143 and 146 of the Police Act shall apply *mutatis mutandis* to any crematorium.

Offences. **37.** (1) Any person who acts in contravention of the provisions of this Act or any regulations made thereunder shall be guilty of an offence against this Act.

(2) Whosoever opens or operates a crematorium without a valid licence in accordance with this Act shall, on conviction, be liable to imprisonment for a period of not less than two (2) years and not more than five (5) years, and to a fine (*multa*) of not less than ten thousand euro (€10, 000) and not more than thirty thousand euro (€30,000), or to

both such fine and imprisonment.

(3) Any person who, in connection with any matter under this Act, or under any regulations made by virtue of this Act:

- (a) breaches any disposition of this Act; or
- (b) furnishes any information which that person knows to be false in a material particular, or recklessly furnishes any information which is false in a material particular; or
- (c) with intent to deceive, produces, furnishes, sends or otherwise makes use of any document which is false in a material particular; or
- (d) knowingly or recklessly makes any incorrect statement or entry in any record or return or on any document kept or furnished under this Act or under any regulations made thereunder; or
- (e) unlawfully refuses or fails to answer to the best of the person's knowledge any question made by the Superintendent in the exercise of his functions or fails to co-operate fully with the Superintendent; or
- (f) unlawfully refuses or fails to comply with any requirement duly provided under this Act or any regulations made by virtue of this Act; or
- (g) hinders the Superintendent in the performance of this duty under this Act or under any regulations made by virtue of this Act,

shall be guilty of an offence against this Act.

(4) Without prejudice to sub-article (2), any person who commits an offence against this Act or regulations made by virtue of this Act, shall, on conviction, be liable to imprisonment for a period of not more than six (6) months or to a fine (*multa*) of not less than five thousand euro (€5,000) and not more than fifteen thousand euro (€15,000), or to both such fine and imprisonment.

38. The Minister may make regulations to give better effect to the provisions of this Act, and without prejudice to the generality of the foregoing may, by such regulations, prescribe anything that is to be or which may be prescribed and provide for any matter consequential, incidental to or connected with the provisions of this Act.

Power of the
Minister to
make
regulations.

A 854

PART X CONSEQUENTIAL AMENDMENTS

Amendment to
the Criminal
Code.
Cap. 9.

39. The Criminal Code, hereinafter referred to as "the Code", shall be amended as follows:

(a) in article 162 of the Code, for the words "or burial place" there shall be added the words ", burial place, or columbarium"; and

(b) in article 239 of the Code, immediately after the words "knowingly conceal" there shall be added the words "or unlawfully cremate".

Amendment to
the Code of
Police Laws.
Cap. 10.

40. Article 141 of the Code of Police Laws shall be substituted by the following:

"Burials or
cremations.

141. It shall not be lawful to bury or cremate any dead body without the permission of the Superintendent for Public Health."

Amendment to
the Civil Code.
Cap. 16.

41. The Civil Code, hereinafter referred to as "the Code", shall be amended as follows:

(a) article 2005 of the Code shall be substituted as follows:

"Funeral
expenses.

2005. The funeral expenses which are privileged are the expenses which, according to custom and within the limits of decency, are incurred in connection with the removal, burial or cremation of the dead body, and with the religious services."; and

(b) the First Schedule to the Code shall be amended as follows:

(i) in Form G thereof for the words "place of burial" there shall be added the words "place of burial or cremation"; and

(ii) in paragraph (f) of Part III thereof under the heading 'ACT OF DEATH' immediately after the words "of burial" there shall be added the words "or cremation".

Amendment to
the Addolorata
Cemetery
Ordinance.
Cap. 18.

42. The Addolorata Cemetery Ordinance, hereinafter referred to as "the Ordinance", shall be amended as follows:

(a) article 2 of the Ordinance shall be amended as follows:

(i) in the marginal note thereof, immediately following the word "Corpses" there shall be added the words "or urns containing cremated remains"; and

(ii) immediately after the words "Every corpse" there shall be added the words "or urn containing cremated remains"; and

(b) in paragraph (g) of article 3 of the Ordinance, immediately after the words "the corpse" there shall be added the words "or urn containing cremated remains".

43. The Public Health Act, hereinafter referred to as "the Act", shall be amended as follows:

Amendment to
the Public
Health Act.
Cap. 465.

(a) the marginal note of article 37 of the Act shall be substituted by the following:

"Burial, cremation, or removal of body to mortuary."
and

(b) sub-article 5 of article 37 of the Act shall be substituted by the following:

"(5) Unless any relative of the deceased undertakes to bury or cremate the body and effect such burial or cremation within the period of time stipulated by such order as aforesaid, it shall be the duty of the Superintendent to cause the burial or cremation of such body, and any expense so incurred may be recovered by the Superintendent as a civil debt."

A 856

SCHEDULE I
(Article 20)

FORM A
APPLICATION FOR CREMATION OF HUMAN REMAINS

SECTION 1 APPLICANT DETAILS	
NAME	
SURNAME	
IDENTIFICATION NO. / PASSPORT NO.	
ADDRESS	
CONTACT NO.	
EMAIL ADDRESS	
SECTION 2 DETAILS OF DECEASED	
NAME	
SURNAME	
IDENTIFICATION NO. / PASSPORT NO.	
ADDRESS	

SECTION 3 APPLICATION FOR CREMATION		
PLEASE TICK WHERE APPROPRIATE:	I am the spouse/civil union partner/cohabitant of the deceased person	
	I am the parent of the stillborn child	
	I am the tutor or legal guardian of the deceased person who was subject to tutorship or guardianship	
	I am the parent or child of the deceased person	
	I am a relative who lived with the deceased	
	I am the Superintendent for Public Health	
SECTION 4 RETENTION OR DISPOSAL OF CREMATED REMAINS		
PLEASE TICK WHERE APPROPRIATE:	The deceased declared his wish in the National Register to be cremated	
	The deceased declared his wish in the National Register, to have his cremation remains retained	
	The deceased declared his wish in the National Register to have his cremation remains scattered	
	The deceased did not register any wish in the National Register	
	I wish to retain the cremation remains	
	I wish to scatter the cremation remains	
	I do not wish to receive the cremation remains	
Please give further information or details regarding the above, for instance, where the cremation remains will be scattered or retained:		

A 858

SECTION 5 CONFIRMATION OF FACTS DECLARED		
I am applying for the cremation of the human remains of:	<i>Name of deceased</i>	<i>Identification No.</i>
To the best of my knowledge, I confirm that the facts given in this application are true. I am aware that it is an offence to wilfully make a false statement within this application.		
I confirm my identity and that I am at least sixteen years of age.		
Together with this application, I am presenting a medical certificate giving the cause of death of the deceased, issued by a medical doctor / a medical certificate certifying that the child was stillborn, issued by a medical doctor or registered midwife / a decree is issued by the Magistrate, authorizing the release of the body for cremation / Superintendent's permit.		

SIGNED	
NAME AND SURNAME	
DATE	

**SCHEDULE II
(Article 19)**

CODE OF CREMATION PRACTICE

A. CONDUCT

The cremation of human remains is a highly emotional occasion for the bereaved. Crematorium staff must, to the best of their efforts, create and maintain a dignified atmosphere of reverence and respect throughout the entire proceedings and facilities.

B. STAFF

The operator shall ensure that all staff are suitably trained in the technical and ethical procedures.

C. CREMATION

Human remains brought to the crematorium, whether for a service prior to cremation, or a cremation without a service, shall be brought into the crematorium via the main entrance.

If the service is not to take place immediately, the human remains shall be placed in the appropriate area immediately in secure and

sanitary storage within the crematorium.

Once all necessary procedures and services have been carried out, the cremation shall be carried out as soon as practicable. Human remains not cremated on the same day as they are received at the crematorium will be accommodated in secure and sanitary conditions within the building.

On completion, the whole of the cremated remains shall be collected in accordance with the application received.

D. CORRECT IDENTITY

No human remains shall be accepted at any crematorium unless they bear adequate particulars of the identity of the deceased person contained therein.

Every care must be taken to ensure correct identification throughout the whole proceedings from the moment the human remains are received until the final disposal of the cremated remains.

E. SEPARATELY CREMATED

Unless otherwise provided in accordance with the Cremation Act, each deceased person given to the care of the crematorium shall be cremated separately.

F. CREMATED REMAINS

The utmost care shall be taken to ensure that the cremated remains, following their removal from the cremator, shall be kept separate and suitably identified.

The cremated remains shall be placed in a separate container awaiting final disposal. If they are to be retained by the crematorium, these shall be stored with reverence and respect.

G. CREMATORS AND ANCILLARY EQUIPMENT

Cremators and all other ancillary equipment used in the crematorium shall be kept in good repair and maintained in accordance with manufacturers' recommendations, and in accordance with any Act or Policy as may be promulgated from time to time.

A 860

H. STATUTORY REGULATIONS

All cremations shall be carried out in accordance with the provisions of the Cremation Act and the regulations made thereunder and any other subsequent legislation.

Passed by the House of Representatives at Sitting No. 229 of the 29th May, 2019.

ANĠLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Clerk of the House of Representatives

