

**STRATEGIC CEMETERIES AND CREMATORIUM
DEVELOPMENT WORKING GROUP**

Minutes of Meeting of 22nd January, 2019

Members Present: Alderman Rodgers (Chairperson);
The High Sheriff of Belfast, Alderman Sandford; and
Councillors Corr and O'Neill.

In Attendance: Mrs. S. Toland, Director of City Services;
Mr. M. Patterson, Bereavement Services Manager;
Mrs. C. Sullivan, Policy and Business Development
Officer;
Rev. Dr. G. Haire, President of the National Association of
Funeral Directors;
Ms M. Tomlinson, Bereavement Administration Manager;
Mr. J. Parker, Interim Crematorium Manager; and
Mr. G. Graham, Democratic Services Assistant.

Minutes

The minutes of the meeting of 19th December, 2018 were taken as read and signed as correct.

Declarations of Interest

No declarations of interest were reported.

**Presentation by the National
Association of Funeral Directors**

Dr. Haire attended in connection with this item, to present to the Working Group, his Association's view on the numerous practical difficulties for bereaved families when planning a cremation. His concerns were related to historical legislation and processes which he highlighted were not fit for purpose. The Members were provided with a detailed historical context under which current cremation services were provided within Northern Ireland namely, the Cremation Act of 1902, which did not apply to Northern Ireland until 1948 and which formed the legal basis of The Cremation (Belfast) Regulations (NI) 1961, which is the current operating legislation. This situation was contrasted with other regions in the UK, where the cremation legislation has been revised on several occasions.

The Working Group was advised that, under the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985, local Councils were provided with the authority to establish their own crematoria. He pointed out that, at present, the only recognised 'Cremation Authority', under the 1961 Regulations, was Belfast City Council. Dr. Haire referred to the increase in the number of cremations taking place in Northern Ireland and to advances in technology in respect of the operational aspects of the cremation process. He pointed out that, in his view, any benefits in regard to technological advances in cremation or digital communications could not be made good while the legal process remained a bottleneck.

The Working Group was informed that, as a result of The Cremation Act 1952, introduced in GB, but not in NI, a number of administrative eases had been introduced. An example provided, was the extension to the categories of official persons who could

countersign an application for cremation (Form A) to any householder, to whom the applicant was known. It was reported that this was contrasted with the situation in NI, where applicants still required to find a Justice of the Peace or Lay Magistrate. Dr Haire pointed out that since 2002, there had been no appointments to the office of JP due to a change in judiciary legislation. This had caused great difficulties for families and Funeral Directors who were required to find a JP to sign the form in the short space of time, between death and the funeral arrangements.

Dr. Haire stated further that, the legislation, under which cremations were undertaken currently, was derived from the Cremation Act of 1902 and as such, had become increasingly outdated and, in his view, was not fit for purpose in the 21st century. He stated that the common medical language used in the cremation forms B and C, were no longer current and had little meaning for professional and laypersons alike. It was reported that those forms had been attached to a schedule at the end of the 1961 Regulations and as such, there was little capacity to reword them without new legislation being enacted.

Dr. Haire reminded the Members that bereaved families were required to pay a professional fee to doctors to complete Forms B and C.

In GB it was reported that the cremation process had been revised as a result of the Brodrick Report, published in 1971. This report had recommended improvements in the procedure for certifying the cause of death and recommended that the number of statutory forms be amalgamated into a single form, referred to as Form G. The report had recommended further that, the Office of Medical Referee should be abolished and that a Certificate of Disposal, issued by a Register of Deaths or Coroner, should be sufficient authority for disposal, either by means of burial or cremation. It was reported that the 1961 NI Regulations still required Belfast City Council to employ a Medical Referee to sign off on every authority to cremate.

The Working Group was reminded of further scrutiny in respect of the cremation process in GB following "The Shipman Inquiry", which resulted in new regulations, adopted by the Home Office, in 2008 and which necessitated further changes to the administrative process and cremation forms for England and Wales. The Working Group was advised that the Scottish Parliament had updated its cremation legislation in light of the recommendations published following the Shipman Inquiry. The Members were advised of the concerns raised by Dr. Haire in regard to the legislation and processes currently in force in Northern Ireland, which he stated had failed to provide a robust oversight to meet the needs of bereaved families. In particular, bereaved families were required to pay professional fees for Doctors to complete Forms B and C, which he contended that the Shipman Inquiry had found that this procedure 'is of little value'. Dr Haire stated that any revision of the NI cremation legislation would, remove this additional financial burden on bereaved families.

The Members were advised that, due to the outdated legal requirements, none of the cremation or associated forms could be transferred electronically which caused difficulties for families and Funeral Directors alike, as they were required to hand deliver hard copies. In contrast, GB crematoria authorities were able to use digital technology to transfer cremation forms electronically, including the efficiency benefits to be gained from using online application processes. The Working Group was informed that all of Belfast's cremation forms were on the internet, but that they had to be printed-off and completed manually.

Dr. Haire explained that in his view, the Northern Ireland Government had not, as yet, addressed this matter as a priority, and that it was important that the legislation in Northern Ireland was aligned with other devolved administrations within the United Kingdom..

In conclusion, the Working Group was advised by Dr Haire that, in his view, bereaved families and citizens in Northern Ireland had not been afforded the same efficient cremation services as in other parts of the United Kingdom. Dr. Haire highlighted the need for the legislation in Northern Ireland to be overhauled and streamlined, including the incorporation of electronic digital technology. He stated that it would be beneficial if the Council could use its influence to encourage the enactment of legislation to meet the needs of modern day cremation services and align Northern Ireland's legislation with that in use in other parts of the United Kingdom.

The Director informed the Working Group that the Department for Communities officials were working on draft cremation regulations for Northern Ireland. The Bereavement Services Manager advised Members that Department of Health officials were working currently on new scrutiny arrangements, for death certification, which could remove the requirement for a Medical Referee.

The Members suggested, subject to Committee approval, that officials, from the Department of Health, be invited to the March meeting of the Working Group in order to provide an update on the progress made on a revision of the death certification process.

The Working Group suggested that a copy of the new draft cremation legislation be presented to a future meeting and that an opinion be sought, from Legal Services, on the impact for Belfast City Council. The Director undertook to consult with the City Solicitor in regard to the status of the draft regulations being formulated by the Department for Communities.

The Working Group requested that officers obtain copies of the cremation forms used currently in Scotland, in order to ascertain if those forms could be used in regard to cremation services in Northern Ireland.

The Working Group agreed also, subject to Committee approval, that a letter be forwarded to both, the Department for Communities and the Department of Health, raising the concerns highlighted by the National Association of Funeral Directors in regard to the impact that the outdated legislation was having on bereaved families and Funeral Directors and seeking an update on reviews.

Date of Next Meeting

The Working Group agreed that its next meeting would be held on Monday, 25th February at 4.30 p.m.

Chairperson