

EXPLANATORY MEMORANDUM TO

The Coronavirus Act 2020 (Extension of Modifications of Requirements Regarding Medical Certificates for Cremations) (No. 3) Order (Northern Ireland) 2022

S.R. 2022 No. 228

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department for Communities to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under section 90(2) of the Coronavirus Act 2020 and is subject to the confirmatory resolution procedure.

2. Purpose

- 2.1. The Statutory Rule provides for the continued extension of the expiry date of section 21(1) to (6) of the Coronavirus Act 2020 from 25 September 2022 to 24 March 2023.

3. Background

- 3.1. Section 21 of the Coronavirus Act 2020 made modifications to the Cremation (Belfast) Regulations (Northern Ireland) 1961. These modifications removed the need for the Confirmatory Medical Certificate (Form C) and also the requirement for a medical practitioner to have seen the deceased within 28 days prior to death to enable them to complete the Certificate of Medical Attendant (Form B).
- 3.2. The Coronavirus Act 2020 (Extension of Modifications of Requirements Regarding Medical Certificates for Cremations) (No. 2) Order (Northern Ireland) 2022 (S.R. 2022 No. 214) extended the expiry date of section 21(1) to (6) to 24 September 2022, that Order has not yet been approved by the Assembly.
- 3.3. The Department makes this Order to extend the expiry date of section 21(1), (2), (3), (4)(a), (4)(b)(ii) and (6)(e) of the Coronavirus Act 2020 to 24 March 2023 and to manage the transition from the situation existing before the expiry of section 21(4)(b)(i), (5) and (6)(a) to (d) and that existing after they expire. This Order will continue the removal of the need for Form C until 24 March 2023. The requirement for a medical practitioner to have seen and treated the deceased within 28 days prior to death to complete Form B is re-introduced from 25 September 2022.

4. Consultation

- 4.1. There is no statutory requirement for subordinate legislation made under section 90 to be consulted on, however, feedback from stakeholders has been positive.

5. Equality Impact

- 5.1. The provisions of the Order are technical in their nature and do not give rise to any equality concerns. No new policy is being implemented.

6. Regulatory Impact

- 6.1. An assessment of regulatory impacts has not been carried out as the proposal results in no or negligible costs or savings on businesses, charities, social enterprises or voluntary bodies.

7. Financial Implications

- 7.1. None

8. Section 24 of the Northern Ireland Act 1998

- 8.1. The Department has considered section 24 of the Northern Ireland Act 1998 and is satisfied that this Order is not incompatible with any of the Convention rights; is not incompatible with Community law; does not discriminate against a person or class of person on the grounds of religious belief or political opinion; and does not modify any enactment in breach of section 7 of the Northern Ireland Act 1998.

9. EU Implications

- 9.1. Not applicable.

10. Parity or Replicatory Measure

- 10.1. Not applicable

11. Additional Information

- 11.1. Not applicable