

No. 8356

HOUSE OF REPRESENTATIVES

BILL

amending Article 1 of the Act of 1 August 1972 regulating the burial and cremation of dead bodies

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Filing document

Filing: (Mr Marc Goergen, Member of Parliament): 27.2.2024

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EXPLANATORY STATEMENT

In his parliamentary question no. 8324 of 18 September 2023, the author of this bill asked questions relating to the regulation of the burial and cremation of mortal remains. In particular, the author examined the question of whether current legislation allows the ashes of the deceased to be kept in urns in the home, in comparison with other countries, such as the United Kingdom. In England, it is customary to keep the ashes of the deceased in an urn at home¹, within the regulatory framework imposed by the *Cremation Act 1902*² and *The Cremation (England and Wales) Regulations 2008*.³

In its reply of 9 November 2023, the members of the government indicated that current legislation does not allow this practice to be carried out in Luxembourg. In a joint reply to parliamentary question No. 3609 of the honourable member Lex Delles of 7 February 2018, the former members of the Government had replied that ‘(...) *it should be made clear that an adaptation of the legislation on the burial and cremation of dead bodies to developments in society could be required in the near future.*’

The Government’s response to question 8324 in 2023 (i.e. 5 years later) shows, however, that no Government has yet commenced work on a change to the provisions in question.

The purpose of this proposal is therefore to introduce the possibility of keeping the ashes of the bodies of deceased in urns.

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TEXT OF THE BILL

Sole article. Article 1 of the Act of 1 August 1972 regulating the interment and cremation of mortal remains is amended as follows:

'Art. 1. The burial of human bodies or ashes resulting from the cremation of human bodies shall be carried out in accordance with the conditions laid down by this Act and by the Grand-Ducal Regulations adopted pursuant thereto.

The ashes may be deposited in a columbarium or in a hermetically sealed cinerary urn protected by a wooden envelope bearing the serial number of the cremation.

Other methods of sepulture, in particular the dispersion of ash on a plot specifically reserved for that purpose, may be regulated by Grand-Ducal Regulation. ’

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REMARKS ON THE SINGLE ARTICLE

Article 1 of the Act of 1 August 1972 is amended to allow the ashes of cremated animals to be kept

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in an urn in accordance with the terms used in the fourth paragraph of Article 4 of the Grand-Ducal Regulation of 21 June 1978 on the dispersion of ashes.

In this respect, the aforementioned Grand-Ducal Regulation will have to be adapted according to the new article while respecting the hierarchy of standards. In this respect, the author respects the principle of separation of powers set out in Article 45 of the Constitution and therefore invites the Government to adapt the Grand Ducal regulation in question.

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CONSOLIDATED TEXT

Article 1 of the Act of 1 August 1972 regulating the interment and cremation of mortal remains

Chapter I. — Sepultures

Article 1. The burial of human bodies or ashes resulting from the cremation of human bodies shall **be carried out** in accordance with the conditions laid down in this Act and in the Grand-Ducal Regulations adopted pursuant thereto.

The ashes may be deposited in a columbarium **or in a hermetically sealed cinerary urn protected by a wooden envelope bearing the serial number of the cremation.**

Other methods of sepulture, in particular the dispersion of ash on a plot specifically reserved for this purpose, **may** be regulated by Grand-Ducal Regulation.

(...)

Marc GOERGEN
Member of Parliament