

MEMORANDUM FOR THE CABINET
BY THE PRIME MINISTER

Crematorium

The availability of space for the burial of non-Catholics resident in Malta seems likely to pose a problem shortly, unless measures are taken to anticipate it fairly soon.

2. The only non-Catholic civilian cemetery still in use is the Ta' Braxia Cemetery, but it appears that there is not room for more than approximately another 100 graves. Taking into account the increasing number of new residents, many of a mature age, the correspondingly higher death rate and the fact that the nature of the monuments at Ta' Braxia is such that old graves cannot readily be used, a practice which would, in any event, be contrary to the custom in the British Isles, the only satisfactory solution seems to be the provision of a crematorium.

3. The Ministry of Health have ascertained that there would be no objection on the part of the Ecclesiastical Authorities in Malta for the setting up of a crematorium for the exclusive use of non-Catholics in Malta, and the Minister of Health is in favour of the grant of a licence for the setting up of a crematorium. The establishment and use of a crematorium for this purpose would have to be provided for by law, either in the form of an amendment to the relevant part of the Code of Police Laws (Cap. 13) or by ad hoc legislation.

4. The Deputy Crown Advocate-General has, however, raised two difficulties. The limitation to non-Catholics would, apart from the problems which would arise in the case of non-practising Catholics, be discriminatory by reason of creed and might possibly infringe the provisions of the Constitution. The other practical difficulty raised by the D.C.A.G. is the impossibility of exhuming

bodies which might be necessary either to ascertain whether there has or has not been foul play or for purposes of identification. He suggests that alternative solutions might be tried to solve the problem of more 'dying space'.

5. With regard to D.C.A.G.'s point, the Commissioner of Police, in consultation, has expressed the view that this is a calculated risk which is taken in other countries where cremation is an accepted means of burial, and that, given the restriction to non-Catholics, the fact that many non-Catholics do not resort to cremation, on religious grounds, and the normal control exercised in the case of the deaths of persons not recently under medical care, the risk in Malta would be negligible.

6. Ministers are asked to consider the above, and to say whether they feel that further consideration should be given to the manner in which the difficulties in the way of establishing a crematorium could best be resolved, or alternatively whether the idea should be abandoned altogether and other measures taken to meet the problem of burial space for non-Catholics.

6 MAY 1970