

## CHAPTER 72 CREMATION ACT

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• Act • Subsidiary Legislation •

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### ACT

Act No. 22 of 1969

### Amended by

Act No. 30 of 1988

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## CHAPTER 72 CREMATION ACT

### **An Act to regulate the burning of human remains and the construction and operation of crematoria.**

[Act No. 22 of 1969 amended by Act No. 30 of 1988.]

[*4th October*, 1969.]

#### **1. Short title**

This Act may be cited as the Cremation Act.

#### **2. Interpretation**

In this Act, “crematorium” means any building fitted with appliances for, or containing anything incidental or ancillary to, the purpose of burning human remains.

#### **3. Licence required for construction and operation of crematoria**

(1) No person shall construct or operate a crematorium except under and in accordance with a licence in that behalf issued by the Minister for local government after consultation with the local authority of the area in which such crematorium is to be constructed or operated.

(2) In this section, “local authority” means the person directly responsible for the local government of a town, village or district.

#### **4. Grant of licence**

The grant of a licence for the construction or operation of a crematorium shall be in the discretion of the Minister for local government who may grant or withhold such licence as he or she thinks fit.

#### **5. Requirements as to plans and site of crematorium**

A crematorium shall not be constructed—

- (a) except upon a site, and in accordance with plans, approved under the Physical Planning and Development Control Act, Chapter 241A;
- (b) within six hundred feet of a dwelling-house except with the consent in writing of the owner, lessee or occupier of the dwelling-house;
- (c) within eighty-five feet of any public thoroughfare;
- (d) in the consecrated part of the burial ground of a public cemetery.

#### **6. Restrictions on cremation of human remains**

(1) No human remains shall be burned unless an order for the cremation of the remains has been obtained from the coroner or a police officer of or above the rank of sergeant stationed in the parish in which the deceased person died.

(2) Upon application by an individual for an order under subsection (1), the coroner or police officer, if satisfied after investigation that the circumstances of the death of the deceased person are not such as to require the making of a post mortem examination under the Coroners Act, Chapter 69, may grant to the individual an order in the prescribed form for the cremation of the remains.

(3) Where a post mortem examination has been made of the body of a deceased person under the Coroners Act, Chapter 69, the coroner may, if he or she is satisfied that it is expedient to do so, grant to the individual applying therefor an order for the cremation of the remains.

(4) A person who knowingly carries out or procures or takes part in the burning of human remains in contravention of subsection (1), shall be guilty of an offence and liable on summary conviction to a fine of three thousand dollars and to imprisonment for six months.

#### **7. Notices to registrar of births and deaths**

(1) A coroner or police officer who has made an order for cremation under section 6 shall notify the registrar of births and deaths for the district within which the death of the deceased person took place in writing within forty-eight hours that such order has been made.

(2) The person effecting the cremation of the remains of a deceased person shall within ninety-six hours of such cremation notify the registrar of the date and place of the cremation.

#### **8. Power to make regulations**

The Minister may make regulations generally for the better carrying out of the provisions of this Act and in particular, but without prejudice to the generality of the foregoing power, may make regulations—

- (a) governing the construction, situation, maintenance and inspection of crematoria;
- (b) prescribing the conditions under which the burning of human remains may lawfully be carried out and prohibiting the burning of human remains except in accordance with such conditions;
- (c) regulating the manner in which the ashes shall be interred or otherwise disposed of;
- (d) prescribing the notices, certificates and declarations to be made or given before human remains may be burned.

## **9. Offences**

(1) Any person who, with intent to conceal the commission or impede the prosecution of any offence, carries out or procures or attempts to procure the cremation of human remains or, with such intent, made any declaration or gives any certificate under this Act or the regulations, shall be liable on conviction on indictment to imprisonment for five years.

(2) Any person who wilfully makes a false representation, or signs or utters a false certificate, under this Act or the regulations with a view to procuring the burning of human remains, shall be guilty of an offence and on summary conviction (in addition to any penalty or liability which he or she may otherwise incur) liable to imprisonment for six months.

(3) Any person who wilfully contravenes any of the provisions of this Act for which no special penalty is provided shall be guilty of an offence and on summary conviction liable to a fine of one thousand five hundred dollars and to imprisonment for six months.

(4) Any person who contravenes the regulations made under section 8 shall be guilty of an offence and liable on summary conviction to a fine of one thousand five hundred dollars and to imprisonment for three months.

## **10. Fees**

Fees for the burning of human remains in a crematorium may be prescribed. Such fees, and any other expenses properly incurred in or in connection with the cremation of a deceased person, shall be deemed to be funeral expenses.

## **11. Saving as to coroners**

Nothing in this Act shall affect the jurisdiction of a coroner under the Coroners Act, Chapter 69.

## **12. Nuisance**

Nothing in this Act shall be construed so as to permit the person maintaining or operating a crematorium or any other person to cause a nuisance.

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# **CHAPTER 72 CREMATION ACT**

## **SUBSIDIARY LEGISLATION**

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*No Subsidiary Legislation*

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