

CHAPTER 39C

CEMETERIES

1999-8

This Act came into operation on 7th June, 1999.

Amended by:

This Act has not been amended

Law Revision Orders

The following Law Revision Order or Orders authorized the insertion and removal of pages as the case may be under the Law Revision Act Cap.2 now repealed:

1985

CHAPTER 39C

CEMETERIES

1999-8

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SCHEDULE

**BARBADOS****CEMETERIES**

1999-8

An Act to provide for public and private cemeteries.

[Commencement: 7th June, 1999]

Short title

1. This Act may be cited as the *Cemeteries Act*.

Interpretation

2. In this Act

“burial authority” means the Sanitation Service Authority, a body corporate established pursuant to the *Sanitation Service Authority Act*, Cap. 382, or any other body authorised to provide and maintain burial grounds and cemeteries under any other enactment;

“chapel” means the chapel located in a cemetery;

“Minister” means Minister responsible for Health;

“private cemetery” means any church cemetery and any cemetery operated and maintained by a private enterprise;

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“public cemetery” means any cemetery operated and maintained by the burial authority;

“Superintendent of Cemeteries” means the officer responsible for cemeteries.

Burying deceased in unlicensed cemetery

3.(1) No person shall bury the dead in any place which is not licensed as a cemetery.

(2) A person who contravenes subsection (1) or who in any way assists in the burial of any body in a place which is not a licensed cemetery is liable to a fine of \$20 000.

Public and private cemeteries

4.(1) The Minister may license as a public cemetery

- (a) any parcel of land belonging to the Government;
- (b) any private property which has been acquired for that purpose; or
- (c) any parcel of land which is owned by a person and identified for use as a private cemetery.

(2) The Minister shall have jurisdiction over all cemeteries.

PART I

PUBLIC CEMETERIES

General management

5. The general management, regulation and control of public cemeteries and chapels is, subject to this Act and any regulations made hereunder, vested in the burial authority.

Cemetery to be kept in good repair

- 6.(1) The burial authority shall keep all public cemeteries in good repair.
- (2) The next-of-kin of persons buried in public cemeteries shall ensure that the graves and enclosures are maintained in good repair.
- (3) A person who contravenes section (2) is guilty of an offence and is liable on summary conviction to a fine of \$5 000.
- (4) For the purposes of this section “next-of-kin” means a person entitled to use a grave or, where there are two or more persons, those persons.

Removal of gravestones and monuments

7. No person shall
- (a) erect or place in any public cemetery any gravestones, monuments or tablets; or
- (b) place on the walls of any chapel any inscriptions
- without the prior approval of the burial authority and payment of the prescribed fee.

Right to burial

8. A person of any religious denomination shall have the right to be buried in a public cemetery on payment of the prescribed fee.

Submission of burial permit or cremation certificate

9. The Superintendent of Cemeteries shall not permit the burial of a body in a public cemetery until the funeral director responsible for the body has submitted to him
- (a) a copy of the burial permit; or
- (b) in the case of a cremation, a copy of the cremation certificate.

No encasement permitted

10. No person shall enclose a grave in a public cemetery without the permission of the Superintendent of Cemeteries.

Removal of body

11.(1) No person shall remove a body buried in a public cemetery within five years of the date of burial

- (a) without the written consent of the Chief Medical Officer; and
- (b) without payment of the prescribed fee.

(2) A person who complies with subsection (1) shall also comply with any regulation made under this Act.

(3) A person who removes or attempts to remove a body in contravention of subsection (1) is guilty of an offence and is liable on summary conviction to a fine of \$20 000.

Exclusive burial rights

12. A person who before 25th July, 1974 purchased a family grave in a public cemetery from a burial authority either in perpetuity or for a limited time shall have exclusive rights to that grave for the time so specified.

Discontinuance of burials

13.(1) Where it appears to the Minister after consultation with the Chief Medical Officer that for the protection of the public's health burials in any cemetery should be discontinued, the Minister may by order state that after the date mentioned in the order all burials at that particular cemetery should be discontinued.

(2) Notice of the date mentioned in the order for the discontinuance of burials in that particular cemetery shall be published in the *Official Gazette* at least one

month before the order takes effect, and after the expiration of the period mentioned in the order the cemetery shall cease to be used as a cemetery.

Diverting the burial of a person to another cemetery

14. The burial authority may divert the burial of a person from one cemetery to another where there is a shortage of burial space at a particular cemetery.

Register of burials in public cemeteries

15.(1) The Superintendent of Cemeteries shall keep a register of all burials held at public cemeteries.

(2) Immediately after a burial the Superintendent of Cemeteries shall enter the name of the deceased in the Register of Burials along with the following information:

- (a) the place of burial;
- (b) the date of burial;
- (c) the sex and age of the deceased;
- (d) the religious denomination of the deceased;
- (e) the name of the officiating minister and funeral director responsible for the burial.

(3) Where a burial at a public cemetery is not solemnised, the information to be supplied as set out in subsection (2) shall be inserted in the register by the sexton of the chapel.

(4) The Superintendent of Cemeteries shall furnish certified copies of extracts from the Register of Burials to all persons so applying on payment of the prescribed fee.

PART II
PRIVATE CEMETERIES

Establishment of private cemetery

16. No person shall establish a private cemetery without the permission of the Minister responsible for Town Planning.

Licence

17.(1) No person shall operate a private cemetery without a licence issued pursuant to this Act.

(2) A person who wishes to obtain a licence under this Act shall apply to the Minister in such form as the Minister may approve.

(3) An application for a licence shall be accompanied by the application fee set out in the *Schedule*.

(4) On receipt of an application and application fee the Minister may issue a licence under this Act.

(5) A licence issued pursuant to subsection (4) remains valid until it is revoked and is renewable annually on payment of the fee set out in the *Schedule*.

Register of private cemeteries

18.(1) The Superintendent of Cemeteries shall keep a register of all private cemeteries licensed under this Act.

(2) The register referred to in subsection (1) shall contain the following information:

- (a) the name of the owner of the cemetery;
- (b) the name of the operator of the cemetery; and
- (c) the location of the cemetery.

Notice of private cemeteries

19. Where a place is licensed as a private cemetery under this Act, a notice to that effect shall be given by the Minister and shall be printed in the *Official Gazette*.

Register of burials in private cemeteries

20.(1) The operator of a private cemetery shall keep a register of all burials held at the private cemetery.

(2) Immediately after a burial, the operator of a private cemetery shall enter the following information in the Register of Burials:

- (a) the name of the deceased person;
- (b) the sex and age of the deceased person;
- (c) the religious denomination of the deceased person;
- (d) the place of burial;
- (e) the date of burial;
- (f) the name of the officiating minister or the funeral director responsible for the burial.

(3) Where the operator of a private cemetery neglects to record the information set out in subsection (2) in the register, the operator is guilty of an offence and is liable on summary conviction to a fine of \$20 000.

Burial procedure

21. The operator of a private cemetery shall ensure that all burials conducted at the cemetery are performed in accordance with normal burial practices.

Inspection

22. Officers from the burial authority shall from time to time be assigned to carry out inspections at private cemeteries to ensure that burials are being conducted in accordance with this Act and regulations made hereunder.

Submission of burial permit or cremation certificate

23.(1) No operator of a private cemetery shall permit the burial of a body unless the funeral director responsible for the body has given the operator of the cemetery

- (a) a copy of the burial permit in the case of a burial; or
- (b) in the case of a cremation, a copy of the cremation certificate.

(2) The operator referred to in subsection (1) shall give to the funeral director upon request by him a certified copy of any information contained in the register referred to in section 20.

Removal of bodies

24.(1) No person shall remove a body buried in a private cemetery within five years of the date of the burial of the body

- (a) without the written permission of the Chief Medical Officer; and
- (b) without payment of the prescribed fee.

(2) A person who complies with subsection (1) shall also comply with any regulations made under this Act.

(3) A person who removes or attempts to remove a body in contravention of subsection (1) is guilty of an offence and is liable on summary conviction to a fine of \$20 000.

PART III
MISCELLANEOUS

Site of cemetery

- 25.** No cemetery shall be established
- (a) within 100 metres of any dwelling-house except with the consent in writing of the owner, lessee or occupier of the dwelling-house; or
 - (b) within 5 metres of any public highway.

Expenses

- 26.** Any expenses incurred in the administration of this Act shall be defrayed out of such moneys as may be voted by Parliament for the purpose.

Fees

- 27.(1)** The Minister may by order prescribe the fees to be charged under this Act and any regulations made under this Act.
- (2) The burial authority shall receive all fees charged under this Act and shall pay them into the Consolidated Fund for the upkeep of public cemeteries.

Offences

- 28.** Every person who
- (a) plays at any game or sport in a cemetery;
 - (b) discharges firearms, save at a military funeral, in the cemetery;
 - (c) wilfully and unlawfully disturbs any persons assembled in the cemetery or chapel for the purpose of burying any body in the cemetery; or
 - (d) commits any nuisance within the cemetery or the chapel
- is guilty of an offence and is liable on summary conviction to a fine of \$10 000.

Tender of amends to injured parties

29.(1) Where a person commits any irregularity, trespass or any other wrongful proceeding in the execution of this Act or by virtue of any power or authority hereby given and, before action brought in respect thereof, makes tender of sufficient amends to the party injured, that party shall not recover in any such action.

(2) Where no such tender is made, the defendant, by leave of the court where such action is pending may at any time before issue joined pay into court such sum of money as he thinks fit, and thereupon such proceedings shall be had as in other cases where defendants are allowed to pay money into court.

Recovery of penalties

30. All fees, payments and sums of money accruing under, or penalties imposed by, this Act for the recovery and disposition of which no other provision is made by this Act may be recovered on the information of the burial authority in a summary manner before a magistrate, and such penalties shall be paid to the burial authority for the upkeep of the cemeteries.

Regulations

31. The burial authority, subject to the approval of the Minister, may make regulations

- (a) for the proper management of cemeteries whether private or public; and
- (b) for the better carrying out of the provisions of this Act.

SCHEDULE*(Section 17)*

	\$
Fee for application to license a private cemetery	5 000
Fee for annual renewal of licence	2 500