

CHAPTER 40

CREMATION

1999-9

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Order or Orders authorized the insertion and removal of pages as the case may be under the Law Revision Act Cap.2 now repealed: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 40

CREMATION 1999-9

Arrangement of Sections

1. Short title
2. Definitions
3. Establishment of crematorium
4. Application for a licence to operate a crematorium
5. Approval of Minister responsible for Town and Country Planning
6. Crematorium site
7. Duty to maintain crematorium in good condition
8. Powers of entry
9. Exercise of power of entry by authorised persons
10. Closure of crematorium by Minister
11. Disposal of ashes
12. Donations of land or money
13. Power to purchase crematorium

14. Regulations
15. General offences
16. Offence to make a false statement
17. Penalty for concealing offence or impeding prosecution
18. Savings

FIRST SCHEDULE

APPLICATION TO CONSTRUCT A CREMATORIUM

SECOND SCHEDULE

**BARBADOS****CREMATION
1999-9**

*An Act to provide for the establishment of crematoria, burning of human remains,
and for related matters.*

[Commencement: 7th June, 1999]

Short title

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

Definitions

2. In this Act

“burial authority” means any body required or authorised to provide and maintain burial grounds and cemeteries under any enactment;

“crematorium” means any building fitted with appliances for the purpose of burning human remains and includes everything incidental or ancillary thereto;

“Minister” means Minister responsible for Health.

Establishment of crematorium

3.(1) No crematorium shall be established without the permission of the Minister responsible for Town and Country Planning.

(2) An application to construct a crematorium shall be made to the Minister referred to in subsection (1) in accordance with the form set out in the *First Schedule*, and shall be accompanied by plans for the construction of the crematorium.

(3) Where the Chief Town Planner approves the plans and the site for the construction of the crematorium he shall so certify, and the Minister referred to in section (1) may, if he thinks fit, grant permission for the operation of the crematorium.

Application for a licence to operate a crematorium

4.(1) No person may operate a crematorium in Barbados without a licence issued under this Act.

(2) A person wishing 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 specified in paragraph 1 of the *Second Schedule*.

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

(5) A licence issued under this Act remains valid until it is revoked, and is renewable annually on payment of the fee specified in paragraph 2 of the *Second Schedule*.

Approval of Minister responsible for Town and Country Planning

5. No human remains shall be burned in any crematorium unless
- (a) the site and plans for the construction of the crematorium have been approved by the Minister responsible for Town and Country Planning;
 - (b) the crematorium is built in accordance with such plans and is properly equipped for the disposal of human remains by burning; and
 - (c) the owner or operator of the crematorium possesses a licence issued pursuant to section 4.

Crematorium site

6. No person shall construct a crematorium
- (a) within 200 metres of any dwelling-house except with the consent in writing of the owner, lessee or occupier of the dwelling-house; or
 - (b) within 50 metres of any public highway.

Duty to maintain crematorium in good condition

7. Every crematorium shall
- (a) be maintained in good working order;
 - (b) be provided with a sufficient number of attendants; and
 - (c) be kept in a clean and orderly condition.

Powers of entry

- 8.(1) The Chief Medical Officer, a Medical Officer of Health or any person authorised in writing by either of them or by the Minister in that behalf may at all reasonable times enter the crematorium for the purpose of
- (a) ascertaining whether there is or has been any contravention of this Act or any regulations;

- (b) ascertaining whether or not circumstances exist which would authorise or require the Minister to take any action under this Act or any regulations;
 - (c) taking any action authorised or required to be taken under this Act or any regulations;
 - (d) performing any functions conferred on the Minister under this Act or any regulations; or
 - (e) generally examining and inspecting the crematorium.
- (2) Any person authorised to enter the crematorium under subsection (1) shall, if the crematorium is unoccupied at the time of entry, leave the crematorium as effectually secured against trespassers as he found it.

Exercise of power of entry by authorised persons

- 9.(1)** Where any power of entry conferred under section 8 is to be exercised by a person authorised by the Minister, the Chief Medical Officer or a Medical Officer of Health, the person claiming the right to enter shall produce to the operator of the crematorium the document authorising him to enter the crematorium.
- (2) A document purporting to have been signed by the Minister, Chief Medical Officer or a Medical Officer of Health shall be deemed, until the contrary is proved, to have been signed by that person.

Closure of crematorium by Minister

- 10.(1)** Where an owner or operator fails to comply with the provisions of section 7 of this Act or the provisions of the *Crematorium (Operating Standards) Regulations, 1999*, the crematorium shall be closed by order of the Minister.
- (2) The Minister shall
- (a) give the owner of the crematorium one week's notice in writing of the proposed closure of the crematorium;

- (b) advertise the closure in a daily newspaper published in Barbados; and
- (c) affix a written notice of the proposed closure to the entrance of the crematorium.

[1999/80]

Disposal of ashes

11.(1) Subject to subsection (2) the operator of a crematorium may make provision for the disposal of the ashes of a cremated body

- (a) in urns placed in receptacles provided for the same;
- (b) in a cemetery at the crematorium; or
- (c) in any cemetery approved by the Minister.

(2) Where the ashes of a cremated body are claimed by the relatives or friends of the deceased, they shall be delivered free of charge.

Donations of land or money

12. A burial authority may accept donations of land, money or other property for the purpose of acquiring, constructing or maintaining a crematorium.

Power to purchase crematorium

13. The Crown may, from moneys voted for the purpose by Parliament, purchase any crematorium or any part thereof constructed under the authority of this Act along with all hereditaments and premises thereto belonging, and all things connected or used therewith, and all rights and privileges to and over the same respectively.

Regulations

14. The Minister may make regulations

- (a) respecting the establishment of crematoria;

- (b) respecting the operating standards, maintenance and inspection of crematoria;
- (c) prescribing in what cases and under what conditions the burning of any human remains may take place;
- (d) directing the disposition or interment of the ashes;
- (e) prescribing the forms of any notices, certificates and declarations to be given or made before the commencement of any burning of human remains in a crematorium;
- (f) providing for the issue, supervision and cancellation of licences or permits to burn human remains in a crematorium;
- (g) prescribing anything that is required by this Act to be prescribed; and
- (h) generally for giving effect to the provisions of this Act.

General offences

15. Any person who

- (a) constructs, establishes, operates or maintains a crematorium without the written authority of the Minister;
- (b) contravenes any terms or conditions imposed by the Minister; or
- (c) contravenes any provisions of this Act or the regulations

is guilty of an offence and is liable on conviction on indictment to a fine of \$50 000 or to imprisonment for 2 years, or both.

Offence to make a false statement

16. Any person who

- (a) wilfully makes any false statement;
- (b) wilfully causes such statement, declaration or representation to be made; or

- (c) makes, signs or utters any false certificate required to be made, signed or uttered

under this Act with a view to procuring the burning of any human remains is guilty of an offence and is liable on conviction on indictment to a fine of \$50 000 or to imprisonment for 2 years, or both.

Penalty for concealing offence or impeding prosecution

17. Any person who, with intent to conceal the commission of an offence or to impede the prosecution of any such offence,

- (a) procures or attempts to procure the cremation of any human remains;
or

- (b) makes any declaration or gives any certificate under this Act

is guilty of an offence and is liable on conviction on indictment to a fine of \$75 000 or to imprisonment for 5 years, or both.

Savings

18.(1) Nothing in this Act shall interfere with the jurisdiction of any coroner under the *Coroners Act*, Cap. 113.

(2) Nothing in this Act shall authorise the burial authority or any person to create or permit a nuisance.

FIRST SCHEDULE

(Section 3(2))

APPLICATION TO CONSTRUCT A CREMATORIUM



SECOND SCHEDULE*(Section 4(3), (5))*

Fee	\$
1. For application	5 000
2. For renewal payable before the 1st January in each subsequent year	5 000