ANGUILLA

REVISED STATUTES OF ANGUILLA

CHAPTER C3

CADAVERS (IMPORTATION) ACT

Showing the Law as at 15 December 2014

This Edition was prepared under the authority of the Revised Statutes and Regulations Act, R.S.A. c. R55 by the Attorney General as Law Revision Commissioner.

This Edition revises—

Act 4/2011, in force 9 August 2011

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CADAVERS (IMPORTATION) ACT

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CADAVERS (IMPORTATION) ACT

Interpretation and application

1. (1) In this Act—

"cadaver" means a dead human body or any part thereof;

"cadaver import permit" means a permit issued under the provisions of section 2;

"impervious container" means any container or box which has been hermetically sealed and so maintained by plastic or rubber gasket or by metal or similar material which has been soldered or welded and any container which consists of a plastic or other container sealed by heat or adhesive material before being placed in a non-impervious container;

"Medical Officer" means Medical Officer appointed by the Minister with the responsibility for Health.

(2) This Act shall apply to cadavers imported for medical research or instruction purposes.

Cadaver import permits

2. No person shall import any cadaver into Anguilla except under the authority of a written permit to do so issued by the Medical Officer or any person authorised by the Medical Officer (herein referred to as "cadaver import permit").

Refusal of landing rights without permit

3. (1) The master of any vessel or aircraft on which a cadaver arrives in Anguilla from a place outside Anguilla shall, if there is not in existence in respect of such cadaver a valid cadaver import permit, be refused permission to land such cadaver by the customs officer at the port of entry.

(2) A customs officer at a port of entry shall be entitled to examine the container in which any cadaver is imported so as to satisfy himself that such container contains only a cadaver and necessary clothing (if any) and that there is a cadaver import permit in existence in relation to such cadaver, except that the customs officer shall not open any impervious container without the approval of the Medical Officer or any person authorised by the Medical Officer.

(3) Where permission is refused pursuant to subsection (1) the cadaver shall be returned to the place or country from which it was exported at the expense of the Medical School importing the cadaver.

Medical Officer or any person authorised by the Medical Officer to be satisfied on certain matters

4. (1) Before issuing a cadaver import licence in respect of any cadaver the Medical Officer or any person authorised by the Medical Officer shall be required to satisfy himself, upon documentary evidence emanating from the place from which the cadaver is to be imported, of the following matters—

(a) that the exportation of the cadaver from the place or country from which it is to be imported is authorised by the law of that place or country for the purpose for which it is being exported;

(b) of the cause of death of the deceased, and if the cadaver is intended to be used for medical research or instruction, that the cadaver is that of a person who died of natural causes or accident;

(c) that the importation and dissection of the cadaver is not likely to endanger the life or health of any person in Anguilla, by reason of any disease or malignancy existing in the cadaver at the time of death;

(d) that the exportation of the cadaver for the purpose for which it is being exported has been consented to by the executors, administrators, or relatives of the deceased, where the obtaining of the consent is reasonably practicable.

(2) All documentary evidence emanating from the place from which the cadaver is to be imported shall be submitted to the Medical Officer or any person authorised by the Medical Officer, no less than 72 hours prior to the arrival of the cadaver in Anguilla.

(3) Where a cadaver does not meet the requirements of subsection (1), the Medical Officer or any person authorised by the Medical Officer may refuse to issue a cadaver import permit.

Conditions to be attached to permit

5. (1) The Medical Officer or any person authorised by the Medical Officer shall attach conditions to the grant of a cadaver import permit with regard to—

(a) the type of container in which the cadaver is to be imported;

(b) the purpose for which the cadaver is imported, whether or not such importation is for medical research or instruction;

(c) the place where, and the manner in which, the cadaver is to be kept after importation;

(d) the place where, and the manner in which, the cadaver is to be ultimately disposed of;

(e) conditions specified in the International Health Regulations.

(2) Where a cadaver is no longer being used, the cadaver, at the expense of the Medical School receiving the cadaver shall be—

(a) incinerated in Anguilla or in a neighbouring island; or

(b) returned to the place or country from which it was exported.

(3) The Medical Officer or any person authorised by the Medical Officer may add to or vary the conditions attached to the grant of a cadaver import permit after the grant thereof until final disposal of the cadaver to his satisfaction.

(4) The provisions of section 9 of the Registration of Births, Deaths and Marriages Act shall have no application to a cadaver imported for purposes of medical research or instruction, but shall apply to the interment of any dead body imported for burial notwithstanding that a cadaver import permit may have been granted in relation to it.

Inspection of container and premises

6. The Medical Officer or any person authorised by the Medical Officer may at any time by himself or a person authorised by him in writing open and inspect any container which purports to contain a cadaver and enter upon any premises where a cadaver is being kept in order to satisfy himself that the cadaver has been imported, kept and disposed of in accordance with the conditions of the cadaver import permit relating to it.

Fees

7. No customs duty or customs service charge shall be payable upon the importation of a cadaver, but the Governor in Council may by Order prescribe the fees to be payable upon the issue of a cadaver import permit.

Offences and penalties

8. (1) If a cadaver is imported, kept, used or disposed of contrary to the conditions attached to the permit relating to the cadaver—

(a) the person in whose name the permit was granted; or

(b) in the case of a limited company each of the officers of the company,

commits an offence and is liable, on summary conviction, to a fine of $25,000 or to imprisonment for 2 years or both.

(2) A person who prevents a customs officer or the Medical Officer or any person authorised by the Medical Officer or any person authorised by either of them in writing from carrying out their respective functions under this Act commits an offence and is liable, on summary conviction, to a fine of $10,000 or to imprisonment of a period of one year or to both.

Regulations

9. The Minister responsible for Health may make regulations prescribing—

(a) the method of application for and the form of a cadaver import permit;

(b) the documentary evidence required before the grant of a cadaver import permit;

(c) the fees to be paid for the grant of a cadaver import permit;

(d) the conditions to be attached to the grant of a cadaver import permit;

(e) any other matter relating to the administration and implementation of this Act.

Citation

10. This Act may be cited as the Cadavers (Importation) Act, Revised Statutes of Anguilla, Chapter C3.

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