ANGUILLA

REVISED STATUTES OF ANGUILLA

CHAPTER C31

CEMETERIES ACT

Showing the Law as at 31 December 2022

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 1/2017, in force 12 January 2017

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CEMETERIES ACT

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CEMETERIES ACT

Interpretation

1. In this Act—

"register" means a register of burials in a public cemetery or designated burial site;

"registrar" means the person specified in section 5.

Declaration of public cemetery and designated burial site

2. It shall be lawful for the Governor in Council to declare by regulation—

(a) any cemetery to be a public cemetery; and

(b) any land to be a designated burial site.

Prohibition

3. (1) No person shall be buried other than in a public cemetery or designated burial site.

(2) A person who contravenes subsection (1) commits an offence and is liable on indictment to a fine of $15,000 and 2 years imprisonment.

Emergency burial site

4. (1) The Governor in Council may, after consultation with the Chief Medical Officer and Director of Physical Planning, declare any land to be an emergency designated burial site.

(2) The power under subsection (1) shall be exercised where there is a threat to public health, a health epidemic or circumstances that may lead to a health epidemic.

Registrar of cemeteries and designated burial sites

5. The Registrar of the High Court shall be the registrar of public cemeteries and designated burial sites.

Powers of registrar

6. (1) The registrar is deemed to be in actual possession of public cemeteries or designated burial sites.

(2) Subsection (1) does not apply to a designated burial site that is located on private land.

Apportionment of public cemeteries among denominations and reservation of area for burial of other persons

7. (1) The registrar shall, subject to the approval of the Governor, apportion a public cemetery among the various Christian denominations, after reserving a sufficient area for the burial of persons who do not belong to any Christian denomination.

(2) It is the duty of the registrar to compel the strict observance by all persons of all apportionments and reservations referred to in subsection (1).

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Plan of public cemetery or designated burial site to be kept

8. (1) The registrar shall cause a plan to be made and kept in relation to public cemeteries and designated burial sites.

(2) A plan referred to in subsection (1) shall be publicly displayed at the offices of the Department of Land and Surveys and the Department of Physical Planning.

Register of burials to be kept

9. (1) The registrar shall keep a register of all burials which take place within public cemeteries and designated burial sites.

(2) A number shall be affixed to each entry in the relevant register and that number shall correspond with that of the graves on the plan of the public cemetery or designated burial site where the interment takes place.

Form of register

10. The register shall be in the form prescribed by the Governor and shall show—

(a) the name (if any), age and sex of each person interred;

(b) the date of interment; and

(c) in the case of a stillborn child, the name of the—

(i) father and mother, where the parents are married, or

(ii) mother, where the parents are not married.

Copies of entries in register evidence of interment

11. A copy of an entry in a register certified to be a true copy by the registrar shall be received in all legal proceedings and in all courts of law as evidence of the interment mentioned in the register.

Power to search register and extracts therefrom

12. (1) The registrar shall keep the register at a convenient place so that it may be searched by any person desiring to do so at all reasonable hours.

(2) The registrar shall at all reasonable times furnish extracts from the register, duly certified under his hand as correct, on being required to do so by any person.

(3) Any person searching or requiring an extract from the register shall be required to pay to the registrar the fees specified by the regulations.

Grant of exclusive right of burial and of placing monuments and gravestones

13. (1) The registrar shall set apart a reasonable portion of—

(a) each denomination's allotment; and

(b) the reserved allotment;

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referred to in section 7, for the purpose of granting the exclusive right of burials to any person.

(2) The registrar may sell the exclusive right of burial in any part of a public cemetery that is set apart pursuant to subsection (1).

(3) The exclusive right of burial may be sold—

(a) in perpetuity; or

(b) for a limited time;

subject to conditions as the registrar thinks fit.

(4) The registrar may sell the right of placing any—

(a) monument or gravestone in any public cemetery; or

(b) tablet or monumental inscription on the walls of any chapel or other building within any public cemetery.

No burial in ground where exclusive right of burial has been granted except with consent

14. No corpse or cremated remains of any person shall be buried in any place where the exclusive right of burial has been granted by the registrar under section 13, except with the consent of the—

(a) owner of the exclusive right of burial; or

(b) representative of such owner.

Power to remove gravestone, monument, tablet, etc. in certain cases

15. The registrar may take down and remove any gravestone, monument, tablet or monumental inscription which has been placed without his authority within a public cemetery.

Scale of charges for graves

16. (1) The Minister shall, by regulations, fix a scale of charges for the purchase of sites for vaults and for graves in public cemeteries.

(2) A table of the scale of charges and fees shall be published and displayed in a conspicuous part of all public cemeteries.

(3) All charges and fees shall be paid to the registrar.

No corpse to be disinterred except by leave

17. (1) After consultation with the Commissioner of Police and the Chief Medical Officer, the Governor may grant leave to disinter a corpse buried in a public cemetery or designated burial site, subject to such conditions and stipulations as prescribed.

(2) No corpse buried in any public cemetery or designated burial site shall be disinterred except with leave of the Governor or a court order.

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(3) No grave shall be re-opened for 20 years after a corpse has been interred unless the Governor or a court is satisfied that it is necessary—

(a) for reasons of national security or public safety; or

(b) due to some other compelling reason.

Fees to be paid into Consolidated Fund

18. The registrar shall pay all monies received by him under this Act into the Consolidated Fund.

Expenses to be paid from Consolidated Fund

19. The expenses of carrying out the provisions of this Act shall be paid from the Consolidated Fund.

Penalty for destroying or injuring anything in a public cemetery or designated burial site

20. Any person who—

(a) in relation to a public cemetery or designated burial site—

(i) destroys or injures any building, wall or fence forming part of the public cemetery or designated burial site,

(ii) destroys or injures any tree or plant located in same,

(iii) daubs or disfigures any wall of same,

(iv) affixes to the wall anything not authorised by the registrar;

(b) destroys, injures or defaces any monument, tablet, inscription or gravestone; or

(c) does any other wilful damage to any public cemetery or designated burial site;

commits an offence and is liable on summary conviction to a fine of $5,000 and 6 months imprisonment.

Penalty for playing games, discharging firearms, etc. in public cemetery or designated burial site

21. (1) Any person who—

(a) plays any game or sport; or

(b) discharges any firearms, save at a military, state or national funeral, in any public cemetery;

commits an offence and is liable on summary conviction to a penalty of $3,840 and 1 week imprisonment.

(2) Any person who—

(a) disturbs any persons assembled in a public cemetery or designated burial site for the purpose of burying a corpse; or

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(b) commits any nuisance within a public cemetery or designated burial site;

commits an offence and is liable on summary conviction to a fine of $5,000 and 6 months imprisonment.

Regulations

22. The Governor in Council may make regulations for the governance and care of all public cemeteries and designated burial sites, and for breach of any regulation, the person who commits the breach is liable on summary conviction to a fine of $5,000 and 6 months imprisonment.

Citation

23. This Act may be cited as the Cemeteries Act, Revised Statutes of Anguilla, Chapter C31.

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