ANGUILLA

REVISED REGULATIONS OF ANGUILLA

under

CREMATION ACT
R.S.A. c. C138

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.

Regulation	Citation	Page
CREMATION REGULATIONS *Revises R.A. 27/2017, in force 14 November 2017*	R.R.A. C138-1 *(31/12/2022)*	3

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Revised Regulations of Anguilla: C138-1

CREMATION ACT (R.S.A. c. C138)

CREMATION REGULATIONS

Note: These Regulations are enabled under section 18 of the Cremation Act, R.S.A. c. C138.

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Interpretation

1. In these Regulations—

"ashes" means cremated remains;

"human body parts" means material consisting of, or including, human cells from a deceased person or stillborn baby;

"Registrar" means the Registrar-General referred to in section 1 of the Registration of Death, Birth and Marriages Act.

Application for a licence to establish a crematorium

2. An application for a licence to establish a crematorium shall be made to the Minister in Form 1 of Schedule 1.

Issuance of licence to establish a crematorium

3. The Minister may issue a licence where the applicant—

(a) pays the application fee specified in Schedule 2; and

(b) satisfies the requirements of the Act with respect to the application.

Application for a cremation permit

4. (1) An application for a permit to cremate human remains shall be made to the Medical Officer in Form 3 of Schedule 1.

(2) The application shall be made and signed by—

(a) a near relative;

(b) an administrator or executor of the estate of the deceased; or

(c) an agent of an executor or near relative.

(3) The applicant's signature shall be made or acknowledged by him in the presence of a witness who shall himself sign the application in that capacity.

Issuance of cremation permit

5. The Medical Officer may issue a cremation permit where the applicant—

(a) pays the fee for the issuance of the permit; and

(b) satisfies the requirements of the Act with respect to the application.

Refusal or rejection

6. The Medical Officer may refuse or reject any application that does not comply with the requirements of these regulations.

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Notice of decision

7. The Medical Officer shall give notice of his refusal or rejection to the applicant and advise him or her of his or her right to apply to the Minister for a review of the decision.

Non-refundable fee

8. Every application under these Regulations shall be accompanied by a non-refundable fee specified in Schedule 2.

Register of cremations

9. (1) Every crematorium shall keep a register of all cremations carried out by it in a Register of Cremations.

(2) An entry shall contain the following information and shall be made in sufficient detail to enable the identification of the deceased—

(a) name of the deceased;

(b) date of death; and

(c) the date and time of all relevant procedures, including the disposal of ashes.

Documents to be retained

10. (1) A file with a unique identification number shall be opened in respect of any human remains cremated by a crematorium.

(2) All applications, certificates and other documents relating to any cremation shall be appropriately filed in the file referred to in subsection (1), identified with the corresponding number of the Register of Cremations and properly secured.

(3) For the purposes of section 9 and this section, all records shall also be electronically stored.

(4) All registers and documents kept by a crematorium shall be open to inspection during working hours by any authorized officer or the Commissioner of Police.

Copies of cremation records to be given to Registrar

11. The Medical Officer shall deliver to the Registrar copies of all documents held by him in connection with a successful application for cremation.

Disposal of documents

12. (1) When any crematorium ceases to operate, the crematorium operator shall send all records and documents relating to the cremations which have taken place there to the Minister.

(2) The Minister may, by order of the Executive Council, after consultation with the Commissioner of Police and the Registrar, dispose of any register or document referred to in subsection (1).

(3) Notwithstanding subsection (2), electronic copies of all registers and any specified documents shall be kept by the Minister.

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When unlawful to cremate human remains

13. (1) It shall be unlawful to dispose of, by burning in any crematorium—

(a) any human remains which have not been properly identified;

(b) the remains of any person unless a cremation permit has been issued by the Medical Officer under section 5 and all other requirements of the Act have been complied with; or

(c) the remains of any person who is known to have left a written declaration opposing such disposing of his or her remains.

(2) Any person who contravenes subsection (1) is liable on summary conviction to a fine of $50,000 or 5 years imprisonment.

Provision for special circumstances

14. Notwithstanding anything in these Regulations—

(a) where the Medical Officer is satisfied that any deceased person was at the time of his death suffering from a quarantinable communicable disease (i.e., cholera, diphtheria, infectious tuberculosis, plague, smallpox, yellow fever, viral haemorrhagic fevers, SARS, or pandemic influenza), he or she may permit the cremation of the body without an application under section 4;

(b) the Minister may, in the event of an epidemic or for other sufficient reason, permit cremations to be carried out, or authorise the Medical Officer to permit cremations to be carried out, in any place, without an application under section 4 and without complying with section 13; and

(c) the Medical Officer may also require additional measures, including detention, disinfection, disinfestation, fumigation, or other related measures, if he has reason to believe that the human remains are or may be infected or contaminated with a communicable disease and that such measures are necessary to prevent the introduction, transmission, or spread of the communicable disease in Anguilla.

Human remains to be reduced to ashes

15. Any human remains burnt at any crematorium shall be reduced entirely to ashes which shall then be salvaged and dealt with in the manner prescribed by section 16.

Disposal of ashes

16. (1) Before the cremation of human remains, an agreement shall be made between the crematorium operator and the person requesting the cremation concerning the disposal of the ashes after the cremation.

(2) Where the agreement stipulates that the ashes are to be disposed of by the person who requested the cremation, the ashes shall be given into the charge of that person.

(3) In the absence of any special arrangement, the ashes shall be retained by the crematorium operator and shall be decently interred—

(a) in a burial ground; or

(b) on land designated for the purpose by the Cremation Authority.

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(4) Notwithstanding subsection (3), a person may with the approval of the Minister dispose of ashes emanating from a cremation by—

(a) scattering in the sea in a place not less than a quarter of a mile from any public bathing beach; or

(b) burying them on private property.

(5) Where ashes are held pursuant to subsection (2) but not collected in accordance with the agreement, a notice to collect within 14 days shall be given by the crematorium operator to the person concerned.

(6) On failure by the person concerned to act after receiving a notice issued under subsection (5), the ashes shall be interred—

(a) in a burial ground; or

(b) on land designated for the purpose by the crematorium operator.

(7) A person who disposes of any ashes emanating from a cremation of human remains contrary to this section commits an offence and is liable on summary conviction to a fine of $5,000 and one year imprisonment.

Exportation of ashes

17. Ashes of any human remains cremated in accordance with the Act may be exported from the country in containers sealed to the satisfaction of the Medical Officer.

Offences and penalties

18. A person who fails to comply with any provision of these Regulations for which no penalty is specified is liable on summary conviction to a fine of $5,000 or six months imprisonment.

Citation

19. These Regulations may be cited as the Cremation Regulations, Revised Regulations of Anguilla, C138-1.

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SCHEDULE 1

FORM 1

(Section 2)

APPLICATION FOR LICENCE TO ESTABLISH A CREMATORIUM

Name: ……

Business Name: …….

Affiliated Funeral Home, where applicable: …….

Phone: …… Email: …….

Location Address: ……..

……

……

Mailing Address: ……..

……

……

I do herewith make application to the Minister for a licence to operate a crematorium within Anguilla. I certify that I have the authority to speak for the above-named crematorium and I do solemnly swear that the above-stated crematorium will be equipped, maintained and conducted strictly in compliance with the Cremation Act, R.S.A. c. C138.

Signature of applicant:…….. Date: …….

_____

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FORM 2

(Section 3)

LICENCE TO ESTABLISH A CREMATORIUM

To: ……
(state name and address of applicant)

WHEREAS an application has been made for a licence to establish a crematorium in.....

…..…….. and whereas I am satisfied that
(address of crematorium)

the requirements for the establishment and operation of a crematorium under the

Cremation Act, R.S.A. c. C138 have been complied with, a Licence for the establishment of a crematorium in

accordance with the Act is issued to ……..……...
(name of applicant)

*The issuance of this licence does not exempt the applicant from having to apply for a business licence under the Business Licensing Act.

……
Name of Minister

…….……...……
Signature of Minister

_____

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FORM 3

(Section 4)

APPLICATION FOR A PERMIT TO CREMATE HUMAN REMAINS

Part 1 Application to cremate—

□ a dead human body □ a Cadaver □ a stillborn baby □ body parts from a deceased person

Part 2 Details of the crematorium

Name of the crematorium where cremation will take place

Address

Telephone number

Name of funeral director

Part 3 Your details (the applicant)

Your full name

Address

Telephone number

Part 4 Details of the deceased [See Parts7 & 8 in the case of a stillborn baby]

Full name

Address

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Part 4 continued

Occupation or last occupation if retired or not working at date of death

Age at date of death

Sex
□ Male □ Female

Status
□ married □ widow/widower □ single

Part 5 The Application

1. Are you a near relative or an executor of the deceased? □ Yes □ No
   If No, please give the nature of your relationship and explain why you are making the application rather that a near relative or executor.

2. Is there any near relative(s) or executor(s) of the deceased who has not been informed of the proposed cremation?
   □ Yes □ No
   If Yes, please give the name(s) and the reason(s) why they have not been contacted.

3. Has any near relative or executor of the deceased expressed any objection to the proposed cremation?
   □ Yes □ No
   If Yes, please give details.

4. What was the date and time of death of the deceased who died?
   Date Time
   □□/□□/□□□□

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5. Please give the address where the person died.
   Address

   Please state whether it was the residence of the deceased or a hotel, hospital or nursing home, etc.

   □ Their home □ Hospital □ Other (please specify)

   □ Hotel □ Nursing home

6. Do you know or suspect that the death of the deceased was violent or unnatural? □ Yes □ No

7. Do you consider that there should be any further examination of the remains of the deceased?
   □ Yes □ No
   If you have answered Yes to questions 6 or 7, please give reasons below.

8. What is the name, address and telephone number of the usual doctor of the deceased?
   Doctor's name

   Address Telephone number

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9. Please give the name, address and telephone number of the doctor(s) who attended the deceased during their last illness.
Doctor's name

Address

Telephone number

10. Was any implant placed in the body which may become hazardous when the body is cremated (e.g. a pacemaker, radioactive device or "Fixion" intramedullary nailing system)?
Implants may damage cremation equipment if not removed from the body of the deceased before cremation and some radioactive treatments may endanger the health of the crematorium staff.
If Yes, please give details and state whether it has been removed.

Part 6 Human Body Parts of the deceased

Please select in what circumstances the body parts were removed from the body of the deceased—
□ Coroner's post-mortem examination □ Hospital post-mortem examination

□ other (please specify)

Part 7 Details of the stillborn baby

Full name of baby

In the case of a stillborn baby who has not been given a name, in place of the name insert a description sufficient to identify the baby.

Sex
□ Male □ Female

Date of stillbirth
☐☐ / ☐☐ / ☐☐☐☐

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Part 8 The Application

1. Are you a parent of the stillborn baby? □ Yes □ No
If No, please give the nature of your relationship and explain why you are making the application.

2. Has a parent of the stillborn baby expressed any objection to the proposed cremation? □ Yes □ No
If Yes, please give details.

3. Please give the address where the baby was stillborn.
Address

Part 9 Statement of Truth

I apply for the body or body parts of the deceased to be cremated and I certify that I am at least 18 years of age.

I believe that the facts given in this application are true. I am aware that it is an offence to wilfully make a false statement with a view to obtaining the cremation of any human remains.

Print your full name

Signed Dated
□□/□□/□□□□

Witnessed by—

Print your full name

Signed Dated
□□/□□/□□□□

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FORM 4

(Section 5)

PERMIT TO CREMATE HUMAN REMAINS

To: ……
(state name and address of applicant)

WHEREAS application has been made for a permit to cremate the remains of.....

……..
(state name, address and occupation of deceased)

And whereas I am satisfied—

(a) that the requirements for the cremation of human remains prescribed by the Cremation Act have been complied with; and

(b) that the cause of death has been definitely ascertained, and there exists no reason for any further inquiry or examination.

A permit for the cremation of ……..……..
(name of deceased)

in accordance with the Act is issued to …….
(name of applicant)

This permit is issued subject to the condition that the remains of ……..……
(name of deceased)

…….

shall be cremated at……..……on the ……day of
(place of cremation)

……..……20……..at……..……
(insert date and time of cremation)

……..……...……
Signature of Medical officer

_____

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SCHEDULE 2

(Sections 2 and 4)

FEES

Application fee for licence to establish a crematorium under section 2	$500
Application fee for cremation permit section 4	$100

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