



ST. CHRISTOPHER AND NEVIS

CHAPTER 9.06

CADAVERS (IMPORTATION) ACT

Revised Edition

showing the law as at 31 December 2002

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CHAPTER 9.06

CADAVERS (IMPORTATION) ACT

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CHAPTER 9.06

CADAVERS (IMPORTATION) ACT

AN ACT TO REGULATE THE IMPORTATION OF CADAVERS, AND TO PROVIDE FOR RELATED OR INCIDENTAL MATTERS.

Short title.

1. This Act may be cited as the Cadavers (Importation) Act.

Interpretation and application.

2. (1) In this Act, unless the context otherwise requires—

“cadaver” means a dead human body or any part thereof;

“cadaver import permit” means a permit issued under the provisions of section 3;

“impervious container” means any container or box which is hermetically sealed and so maintained by plastic or rubber gasket or by metal or similar material that is soldered or welded; and—

- (a) consists of a plastic; or
- (b) is sealed by heat or adhesive material before being placed in a non-impervious container.

(2) This Act shall not apply to the ashes of a deceased person imported for burial in Saint Christopher and Nevis.

Cadaver import permit.

3. No person shall import any cadaver into Saint Christopher and Nevis except under the authority of a permit issued by the Chief Medical Officer.

Refusal of landing rights without permit.

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

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

Chief Medical Officer to be satisfied on certain matters.

5. Before issuing an import permit in respect of any cadaver, the Chief Medical Officer shall first satisfy himself or herself, upon documentary evidence emanating from the place where 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 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 Saint Christopher and Nevis, 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.

Conditions to be attached to permit.

6. (1) The Chief 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 to be imported.

(2) The Chief Medical Officer may add to or vary the conditions attached to the grant of a cadaver import permit after the grant of the permit until final disposal of the cadaver, to his or her satisfaction.

(3) The provisions of section 15 of the Registration of Births, Deaths and Marriages Act shall have no application to a cadaver imported for the purposes of medical research or instruction, but shall apply to interment of any dead body imported for burial, notwithstanding that the permit may have been granted in relation to it.

Inspection of container and premises.

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

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 twenty-five thousand dollars or to imprisonment for two years, or both.

(2) A person who prevents a customs officer, or the Chief 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 ten thousand dollars and to imprisonment of a period of one year.

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.
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