



ST. CHRISTOPHER AND NEVIS

CHAPTER 9.07

CEMETERIES ACT and Subsidiary Legislation

Revised Edition
showing the law as at 31 December 2017

This is a revised edition of the law, prepared by the Law Commission under the authority of the Law Commission Act, Cap. 1.03.

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Published in
2019
Consolidated, Revised and Prepared under the Authority of the Law Commission Act,
on behalf of the Government of Saint Christopher and Nevis
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CHAPTER 9.07
CEMETERIES ACT

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CHAPTER 9.07 CEMETERIES ACT

AN ACT TO MAKE PROVISION FOR THE DECLARATION AND MAINTENANCE OF PUBLIC CEMETERIES; AND TO MAKE PROVISION FOR RELATED OR INCIDENTAL MATTERS.

Short title.

1. This Act may be cited as the Cemeteries Act.

Interpretation.

2. In this Act “Minister” means the Minister responsible for Health.

(Inserted by Act 6 of 1976)

Rights under Act No. 116 protected.

3. All rights, privileges, powers and control now vested in and exercised by, and all duties, obligations and liabilities now borne, suffered, performed or carried out by the authority of the Anglican, Roman Catholic, Wesleyan, or Moravian Denominations respectively or in or by any person or persons under the provisions of Act. No. 116 (A.D. 1855) entitled “An Act to provide a Burial Ground for the parish of St. George, Basseterre,” shall continue and remain undisturbed anything in this Act to the contrary notwithstanding.

Definition of public cemetery.

4. The cemeteries at Springfield, and at Cayon, St. Kitts, the former cemetery at Charlestown, Nevis, and the new cemetery at Bath, near Charlestown, Nevis, are hereby declared to be public cemeteries:

Provided always that it shall be lawful for the Minister hereafter to declare any cemetery to be a public cemetery, and thereupon the provisions of this Act shall apply thereto.

Registrar-General of cemeteries.

5. The Chief Medical Officer shall be *ex officio* Registrar-General of public cemeteries and the registrars to be appointed as hereinafter mentioned shall, subject to the provisions of this Act, be guided by all orders and directions from the Registrar-General relative to their duties as such registrars.

(Amended by Act 6 of 1976)

Registrars of cemeteries, appointment of.

6. The Minister shall from time to time appoint registrars of the respective public cemeteries now in existence or hereafter to be established in the State.

(Amended by Act 6 of 1976)

Registrars, powers of and appointment of grave diggers and other servants.

7. The registrars so appointed shall be deemed to be in actual possession of the public cemeteries of the State to which they are respectively appointed and they shall each employ grave diggers and other servants for caring and carrying on the necessary work in such cemeteries respectively.

(Amended by Act 6 of 1976)

Apportionment of cemeteries among denominations-reservation of area for burial of other persons.

8. Every registrar shall, apportion the public cemetery in his or her charge among the various Christian denominations after reserving a sufficient area for the burial of such persons who do not belong to any of such denominations and it shall be the duty of each registrar to see to and compel the strict observance by all persons of all such apportionments and reservations.

(Amended by Act 6 of 1976)

Plan of cemetery to be kept.

9. Every registrar shall maintain a plan of the cemetery in his or her charge on which plan shall be marked the site of each grave with a number designating the same which shall correspond with the number to be entered in the register hereinafter mentioned.

(Amended by Act 6 of 1976)

Register of burials to be kept.

10. Every registrar shall keep a register of all burials which take place within the public cemetery in his or her charge and to each entry in such register shall be affixed a number corresponding with that of the graves on the aforesaid plan in which an interment takes place.

Form of Register.

11. The register shall be in the form prescribed by the Minister and shall show the name (if any), age and sex of each person interred and the date of such interment, and in the case of a stillborn child the name of the father and mother of the same if they happen to be married, and if they be unmarried then the name of the mother of such stillborn child.

(Amended by Act 6 of 1976)

Copies of entries in register evidence of interment.

12. A copy of an entry in the register certified to be a true copy by the registrar for the time being in charge of the same or by the Registrar-General shall be received in all legal proceedings and in all Courts of Law as evidence of the interment therein mentioned.

Power of searching such register and extracts therefrom.

13. Every registrar shall keep the register of the public cemetery of which he or she is in charge in some convenient place so that the same may be searched by any person desiring to do so at all reasonable hours and he or she shall at all reasonable times furnish extracts from the register duly certified under his or her hand as correct on being required to do so by any person and he or she shall be entitled to receive from such person searching the same or requiring such extract such fees as may be fixed by the Minister.

(Amended by Act 6 of 1976)

Grant of exclusive right of burial and of placing monuments and gravestones in cemetery.

14. Every registrar shall set apart a reasonable portion of each denomination's allotment and also of the reserved allotment hereinbefore referred to for the purpose of granting the exclusive right of burials in such public cemetery as may be in his or her charge and such registrar shall sell either in perpetuity or for a limited time and subject to such conditions as he or she thinks fit such exclusive right of burial in any

part of such cemetery so set apart and he or she may also sell the right of placing any monument or gravestone in such cemetery or any tablet or monumental inscription on the walls of any chapel or other building within any such cemetery.

No burial to take place in ground where exclusive right of burial has been granted except with consent of owner.

15. No body shall be buried in any place wherein the exclusive right of burial shall have been granted by the registrar except with the consent of the owner for the time being or the representative of the owner of such exclusive right of burial.

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

16. Every registrar may take down and remove any gravestone, monument, tablet or monumental inscription which shall have been placed without his authority within the public cemetery under his or her charge.

Scale of charges for graves, grave-digging, etc.

17. The Minister shall fix a scale of charges for the purchase of sites for vaults and for graves in public cemeteries and of fees for grave-digging and the opening of vaults and graves and for the use of all matters and things pertaining to the conduct of funerals (the performance of burial rights excepted) and a table of such scale of charges and fees shall be published and hung up in a conspicuous part of all public cemeteries and in every such scale of charges the total amount of payments regularly charged in respect of a burial shall be the same in whatever part of a cemetery such burial is to take place and all such charges and fees shall be paid to the registrar in charge.

(Amended by Act 6 of 1976)

No corpse to be disinterred except by leave.

18. No corpse buried in any public cemetery shall be disinterred except by leave of the Minister who is hereby authorised to grant such leave subject to such conditions and stipulations as he or she may in each case prescribe, and subject as aforesaid no grave shall be re-opened for twenty years after a corpse has been interred therein.

(Amended by Act 6 of 1976)

Fees to be paid into the Treasury.

19. The registrars shall pay all fees and moneys received by them under this Act into the Public Treasury of the State.

Expenses to be paid from general revenue.

20. The expenses of carrying out the provisions of this Act shall be paid from the general revenue of the State.

Penalty for destroying or injuring anything in cemetery.

21. (1) Every person who wilfully destroys or injures any building, wall or fence belonging to any public cemetery or destroys or injures any tree or plant therein or daubs or disfigures any wall thereof or puts up any bill therein or on any wall thereof or wilfully destroys, injures or defaces any monument, tablet, inscription or gravestone or does any other wilful damage therein, shall be liable to a penalty not exceeding one thousand one hundred and fifty dollars.

(2) A person who, within a cemetery—

(a) in any way offends against decency and decorum;

(b) takes part in a meeting other than a meeting of a religious or commemorative character; or

(c) disturbs the peace,

commits an offence and is liable on summary conviction to a fine not exceeding one thousand one hundred and fifty dollars.

(Amended by Acts 7 of 1976, 9 of 1986 and 30 of 2009)

Penalty for playing games, discharging firearms, etc., in cemetery.

22. Every person who plays at any game or sport or discharges any firearms, save at a military funeral, in any public cemetery or who wilfully and unlawfully disturbs any person assembled in such cemetery for the purpose of burying any body therein or who commits any nuisance within such cemetery shall be liable to a penalty not exceeding four hundred and fifty dollars.

(Amended by Acts 7 of 1976, 9 of 1986 and 30 of 2009)

Regulations.

23. The Minister shall make regulations for the general government and care of all public cemeteries which shall be published in the official *Gazette* of the State and when so published shall have the force of law and for the breach of any such regulation the person offending shall be liable to a penalty not exceeding four hundred and fifty dollars.

(Amended by Acts 6 of 1976, 7 of 1976 and 9 of 1986)

Penalties, how recoverable, Cap. 3.17.

24. All penalties imposed by this Act or by any regulations made thereunder shall be recoverable summarily under the provisions of the Magistrate's Code of Procedure Act, Cap. 3.17, on the complaint of the registrar of the public cemetery wherein or in respect of which the offence was committed or of the Registrar-General or by any person authorised in that behalf by writing under the hand of such registrar or Registrar-General.

FIRST SCHEDULE

(Section 23)

PUBLIC CEMETERIES REGULATIONS

Citation.

1. These Regulations may be cited as the Public Cemeteries Regulations.

Hours open to the Public.

2. The cemetery shall be open to the public every day from sunrise to sunset.

Excavation of graves and vaults.

3. All graves and vaults shall be excavated by grave diggers employed by the registrar.

Depth of graves.

4. All graves for persons over 5 years of age shall be dug to a depth of 7 feet, and for all children under 5 years of age to a depth of 5 feet.

Selection of grave spaces.

5. The selection of grave spaces will be subject to the approval of the registrar, though every endeavour will be made to meet the wishes of intending purchasers.

Repair of monuments etc.

6. Monuments, railings, headstones and curbing shall be kept in repair by the owner.

Removal of dilapidated monuments etc.

7. The registrar shall have the right to remove any monuments, railings, headstones, or curbing, which have become dilapidated, or which, in his or her opinion, are not kept in proper repair, or to require the owner to remove them.

Prohibition of smoking in a cemetery.

8. Smoking is strictly prohibited within the cemetery.

Conduct of persons in a cemetery.

9. All persons must conduct themselves in a quiet, orderly manner, and must on no account stand or sit on the gravestones, nor shall any person stand or sit on the enclosure walls of the cemetery nor enter or leave the same except through the gates.

Animals not allowed within a cemetery.

10. No cattle, goats, sheep, pigs or feathered stock shall be allowed within the cemetery.

Taking flowers etc. out of cemetery prohibited.

11. No flowers, shrubs, or trees of any kind will be allowed to be taken out of the cemetery without the permission of the registrar, and the registrar shall have the right to remove any shrub or tree if he or she deems the removal necessary.

Fees Payable.

12. There shall be payable to the registrar the fees as set out in the Schedule to the Regulations, and, at the time of application for the grave, the certificate of death shall be presented to the registrar for registration.

Graves for paupers.

13. Upon the receipt of a duly signed order from a magistrate or of the certificate of death from the proper officer of any public institution for the burial of any pauper or person dying in such public institution, the registrar shall be authorised to order that a grave be given free of charge for the burial of such person in that portion of the cemetery set apart for the purpose.

Fees to be paid to Registrar.

14. All fees payable under the Schedule to these Regulations, shall be paid to the registrar, who shall receive all applications and grant permission to open any grave.

SCHEDULE TO THE REGULATIONS

(Regulation 14)

	\$	c.
Opening a grave for an adult in the free plots	0.72	
Opening a grave for a child under 5 years of age in the free plots	0.36	
Opening a grave for an adult in the purchased plots	0.96	
Opening a grave for a child under 5 years in the purchased plots	0.48	
For the purchase of a piece of land sufficient for one grave, 9 ft. x 4 ft.	7.2	
For the purchase of a piece of land sufficient for one grave for a child under 5 years of age, 6 ft. x 3 ft. or 4½ ft. x 4 ft.	3.6	
Persons purchasing land as above may erect, free of charge, any enclosure, tomb, tombstone or memorial of a durable nature, the plan of which must be previously submitted to and approved by the registrar of the cemetery.		
There may be erected on the free graves, at the undermentioned charges, the following:		
Head-stone or other memorial (to be approved by the registrar of the cemetery as in the case of purchased plots)	0.6	
The aforementioned head-stones or memorials are liable to be removed by the registrar of the cemetery after the expiration of 20 years from the time of interment.		
Non-inhabitants shall pay double the foregoing fees.		
Persons who obtain permission, under section 17 of the Cemeteries Act to have a corpse dis-interred, shall pay to the registrar a fee of	10.08	

SECOND SCHEDULE

(Section 23)

SPRINGFIELD CEMETERY REGULATIONS

Citation.

1. These Regulations may be cited as the Springfield Cemetery Regulations.

Care of the Cemetery.

2. Subject to the provisions of the Cemeteries Act, Cap. 9.07, the general government and care of the Cemetery in the Town of Basseterre shall be entrusted to a Committee appointed for the purpose to consist of a Chairperson and not more than five other persons; the Chairperson and anyone of whom shall form a quorum.

Care of Graves (not enclosed by a Curb) in Sections Planted in Grass.

3. (1) The maintenance of all graves not enclosed by a stone curb in the part or parts of the Cemetery in Basseterre now or hereafter planted in grass shall be by the

Committee, and such graves shall be marked by a rectangular bed cut out in the grass and planted in small flowering shrubs and kept in proper condition.

(2) Any person who, in any way, interferes with a grave or obstructs the Committee commits an offence.

Mounds of Earth, etc., over Graves.

4. No mound of earth or masonry or of any other material shall be raised or built over any grave except by the permission and with the approval of the Committee.

Disposal of Rubbish.

5. No rubbish of any nature or kind shall be left or placed or thrown into the Cemetery.

Care of Graves Enclosed by Curbs.

6. All persons having graves enclosed by stone curbs in the Cemetery shall keep and maintain such graves to the satisfaction of the Committee and shall remove all faded flowers or other matter therefrom at least once weekly.

Plants on Graves.

7. No shrubs or plant whatsoever not approved by the Committee shall be planted, placed or grown upon any grave.

Wheeled Traffic.

8. No wheeled vehicle shall enter or be in the Cemetery in Basseterre except along or upon the path dividing the Old from the New Cemetery.

Walking on Grass Prohibited.

9. No person shall walk on the cultivated grass in the Basseterre Cemetery except for the purpose of visiting a grave and then only by the shortest way to such grave.

Hours Opened to Public.

10. The Cemetery shall be open to the public every day from sunrise to sunset.

Excavation of Graves, etc.

11. All graves and vaults shall be excavated by grave diggers employed for the purpose.

Depth of Graves.

12. All graves and vaults for persons over five years shall be dug to a depth of 7 feet, and for all children under five years to a depth of five feet.

Selection of Grave Lots.

13. The selection of grave spaces will be subject to the approval of the Committee, though every endeavour will be made to meet the wishes of intending purchasers.

Monuments etc., Subject to Approval.

14. No monument, headstone, curb or railing of whatsoever description shall be erected without the approval of the Committee.

Monuments etc., to be kept in Repair.

15. Monuments, railings, headstones and curbing shall be kept in repair by the owner.

Right of Committee to Remove Monuments, etc.

16. (1) The Committee shall have the right to remove any monuments, railings, headstones, or curbing, which have become dilapidated, or which, in their opinion are not kept in proper repair, or which are, in their opinion, obscene or improper, or to require the owner to remove them.

(2) Any owner failing to remove any such railing, etc., on being called upon so to do commits an offence.

Smoking Prohibited.

17. No person shall smoke within the Cemetery.

Conduct of Persons.

18. No person shall conduct himself or herself in a noisy or disorderly manner in the cemetery, nor sit or stand upon any grave or enclosure or wall thereof.

Climbing over Rails Forbidden.

19. No person shall enter or leave the Cemetery except through a gate thereof.

Animals and Feathered Stock not Allowed in Cemetery.

20. No cattle, goats, sheep, pigs or feathered stock shall be allowed within the Cemetery.

Flowers, Plants, etc., not to be Removed.

21. No flowers, shrubs, or trees of any kind shall be taken out of the Cemetery without the permission of the Committee.

Fees Payable.

22. There shall be payable to the Registrar of the Cemeteries the fees set out in the Schedule to these Regulations, and, at the time of application for the grave, the certificate of death shall be presented to the Registrar for registration.

Graves for Paupers.

23. Upon receipt of a duly signed order from any Magistrate, Coroner or of the certificate of death from the proper officer of any public institution for the burial of any pauper or person dying in such public institution, the Registrar shall be authorised to order that a grave be given free of charge for the burial of such person in that portion of the cemetery set apart for the purpose.

Fees to be Paid to Registrar.

24. All fees payable under the Schedule to these Regulations shall be paid to the Registrar, who shall receive all applications and grant permission to open any grave.

SCHEDULE TO THE REGULATIONS*(Regulation 22)*

	\$	c.
1		
Opening a grave for an adult in the free plots		0.72
Opening a grave for a child under 5 years of age in the free plots		0.36
Opening a grave for an adult in the purchased plots		0.96
Opening a grave for a child under 5 years in the purchased plots		0.48
2		
For the purchase of a piece of land sufficient for one grave, 9 ft. x 4 ft.		7.2
For the purchase of a piece of land sufficient for one grave for a child under 5 years of age, 6 ft. x 3 ft. or 4½ ft. x 4 ft.		3.6
3		
There may be erected on the free graves, at the undermentioned charges the following:		
Head-stone or other memorial to be approved by the Committee as in the case of the purchased plots		0.6
The aforementioned Head-stones or memorials are liable to be removed by the Committee of the Cemetery after the expiration of 20 years from the time of interment.		
4		
Non-inhabitants shall pay double the foregoing fees.		
5		
Persons who obtain permission, under section 18 of the Cemeteries Act, to have a corpse disinterred shall pay into the Treasury a fee of		10.08

THIRD SCHEDULE*(Section 4)***CEMETERIES (DECLARATION OF PUBLIC CEMETERY) ORDER****Citation.**

1. This Order may be cited as the Cemeteries (Declaration of Public Cemetery) Order.

Interpretation.

2. In this Order, "Act" means the Cemeteries Act, Cap. 9.07.

Declaration of public cemetery.

Pursuant to the provisions of section 4 of the Act, the Minister hereby **DECLARES** that certain lands situate at Farms Estate, in the parish of St Anne's and more particularly described in the Schedule hereto, to be a public cemetery.

SCHEDULE

All that lot piece or parcel of land situate at Farms Estate in the parish of St Anne, in the Island of Saint Christopher comprising 14.71 acres of the said land bounded and measuring as follows, that is to say, On or towards the North West by an Estate Road of Farms Estate 1377.13 feet; On or towards the East by Farms Estate 410.26 feet and 425.86 feet; On or toward the South East by Estate Road of Farms Estate 952.63 feet; On or towards the South West by Farms Estate 51.41 feet.

(Third Schedule inserted by S.R.O. 14/2014)
