

BURIAL GROUNDS ACT

CHAPTER 30:50

Act
14 of 1919
Amended by
39 of 1952

Current Authorised Pages

<i>Pages</i> <i>(inclusive)</i>	<i>Authorised</i> <i>by L.R.O.</i>
1-18	..

Index of Subsidiary Legislation

	<i>Page</i>
Public Burial Grounds Regulations (GN 190/1953)	6
Rural Districts Private Burial Grounds Regulations (G. 27.12.1919) ...	13
Offences in Burial Grounds (San Fernando) Regulations (G. 13.12.1900) ...	17
Burial Ground (San Fernando) Regulations (G. 8.9.1932)... ..	18

Note on Omissions

(Subsidiary Legislation made under section 3 and section 7)

Notices establishing public and private burial grounds made under section 3, and Orders for the discontinuance and closures of burial grounds made under section 7, have been omitted. (See Current Edition of the Consolidated Index of Acts and Subsidiary Legislation of Trinidad and Tobago).

Note on Adaptation

1. Certain fees in this Chapter were increased by the Commission under paragraph 4 of the Second Schedule to the Law Revision Act (Ch. 3:03). Where this occurs, a marginal reference in the form normally indicating an amendment is made to LN 51/1980 (the Legal Notice by which the President's approval was signified).
2. Under paragraph 6 of the Second Schedule to the Law Revision Act (Ch. 3:03) the Commission amended certain references to public officers in this Chapter. The Minister's approval of the amendments was signified by LN 120/1980, but no marginal reference is made to this Notice where any such amendment is made in the text.

CHAPTER 30:50

BURIAL GROUNDS ACT

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
 2. Burying in unlicensed ground.
 3. Public burial grounds.
Private burial grounds.
 4. Regulations.
 5. Burial grounds to be under charge of County Council.
 6. Notice of licence.
 7. Minister may order discontinuance of burials.
 8. Recovery of penalties.
-

CHAPTER 30:50

BURIAL GROUNDS ACT

An Act relating to burial grounds.

1950 Ed.
Ch. 12. No. 18.
14 of 1919.

Commencement. [6TH JUNE 1919]

Short title. **1.** This Act may be cited as the Burial Grounds Act.

Burying in unlicensed ground. **2.** It shall not be lawful to bury the dead in any place not being a licensed burial ground; and any person who buries any body, or in anywise acts or assists in the burial of any body, in any place not being a licensed burial ground, is liable to a fine of one thousand dollars.

Public burial grounds. **3.** (1) The Minister may set apart and license as a public burial ground any parcel of State land or any private property which may be acquired for the purpose.

Private burial grounds. (2) The Minister may license as a private burial ground any parcel of land which any person may desire to set apart for use as a private burial ground.

Regulations. **4.** (1) The Minister may make Regulations for the general government of burial grounds, whether public or private, which are not under the charge and control of the Council of any City or Borough.

(2) The Council of any City or Borough may make Regulations for the general government of burial grounds which are under their charge and control.

Burial grounds to be under charge of County Council. [39 of 1952.] **5.** All public burial grounds licensed by the Minister, other than those under the charge and control of the Council of any City or Borough, shall be under the charge and control of the County Council of the county in which they may be respectively situated.

UNOFFICIAL VERSION

UPDATED TO DECEMBER 31ST 2012

6. Notice of the licensing of any place as a burial ground shall in all cases be forthwith published in the *Gazette*.

Notice of licence.

7. Where it appears to the Minister that, for the protection of the public health, burials in any burial ground should be discontinued, the Minister may order that, after a time mentioned in the order, burials in the burial grounds shall be discontinued. Notice of the time mentioned in the order for the discontinuance of burials in the burial ground shall be published in the *Gazette* one month at least before the order takes effect, and, after the expiration of the period mentioned in the order, the burial ground shall cease to be a licensed burial ground.

Minister may order discontinuance of burials.

8. All penalties under this Act and under any Regulations made thereunder may be recovered, on summary conviction, before a Magistrate or Justice.

Recovery of penalties.

SUBSIDIARY LEGISLATION

PUBLIC BURIAL GROUNDS REGULATIONS

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation.
2. Interpretation.
3. Plan of public burial ground.
4. Layout of public burial ground.
5. Duties of the Keeper.
6. Keeper to register interments.
7. Coffin level.
8. Graves to be in sections or rows.
9. Offences.
10. One body in each grave.
11. Re-opening of unwallled grave.
12. Permission necessary to remove body.
13. Persons within precincts of public burial ground.
14. Permission to bury dead.
15. Fees and payments.
16. Opening grave without permission.
17. Burial of paupers.
18. Animals in public burial ground.
19. Upkeep of public burial ground.
20. Submission of quarterly statements.
21. Complaints.

PUBLIC BURIAL GROUNDS REGULATIONS

190/1953.
[51/1980].

made under section 4

1. These Regulations may be cited as the Public Burial Grounds Regulations. Citation.

2. (1) In these Regulations— Interpretation.
“public burial ground” means a public burial ground licensed as such under the provisions of the Act and other than one under the charge or control of the Council of any City or Borough;
“Chief Executive Officer” means the Chief Executive Officer of the County in which the public burial ground is situated;
“County Council” means the County Council for the County in which the public burial ground is situated.

(2) The Island-Ward of Tobago shall for all purposes of these Regulations be deemed to be a County.

3. Each County Council shall be furnished with a plan of every public burial ground in its County. Each public burial ground shall have a distinguishing name to be recorded on such plan, shall be enclosed in such manner as the Minister may direct, and shall be open daily from daylight to dusk. Plan of public burial ground.

4. (1) Every public burial ground shall be laid out in numbered sections as required, and every such section shall be divided into allotments, of 5 by 10 feet each, to be consecutively numbered. Layout of public burial ground.

(2) A portion of every public burial ground may be set aside by the County Council for the burial of paupers only.

(3) The County Council may also, in their discretion, set aside a portion of any public burial ground for any religious denomination.

5. The Chief Executive Officer shall appoint a Keeper of each public burial ground, whose duty it will be, under the direction of the County Council, to see these Regulations carried Duties of the Keeper.

out, to superintend and direct the opening of graves, to cause all interments to be made in such parts as may be laid out and set apart with as much regularity and uniformity as possible.

Keeper to register interments.

6. Books shall be kept by the Keeper, in which shall be accurately registered the interment of all persons buried, with the number of the section and allotments, and the date, name and age of the deceased, and also the name of the officiating minister, or in his absence, of some person present at the burial.

The Keeper shall furnish certified extracts of such books to all persons applying on payment to the Keeper (for his own use) of one dollar for every certificate.

Coffin level.

7. No coffin shall be buried in any unwalled grave within six feet of the ordinary level of the ground, unless it contains the body of a child under twelve years, when it shall not be less than four feet below that level.

Graves to be in sections or rows.

8. All graves shall be opened in sections or rows at such distance apart as the County Council may direct and shall be dug to not less than the following depths below the surface:

- (a) four feet for the body of a child under twelve years of age;
- (b) six feet for the body of an adult or the bodies of two children under twelve years of age in separate coffins;
- (c) eight feet for the bodies of two adults buried in one grave in separate coffins. In case of burial of more than two bodies in separate coffins in one grave, such grave shall be dug to a further depth of two feet for each such body.

Offences.

9. Any person who shall inter or cause to be interred any corpse at a depth of less than four feet, or who shall neglect or refuse to comply with the directions of the Chief Executive Officer or Keeper in regard to the opening or filling in of any grave, is guilty of an infringement of these Regulations and is liable to a fine not exceeding seventy-five dollars.

10. One body only shall be buried in a grave at one time, unless the bodies be those of members of the same family.

One body
in each grave.

11. No unwalled grave shall be re-opened within seven years after the burial of a person above twelve years of age, or within five years after the burial of a child under twelve years of age, except for the purpose of burying another member of the same family, in which case a layer of earth not less than one foot thick shall be left undisturbed above the previously buried coffin; but if on re-opening any grave, the soil is found offensive, such soil shall not be disturbed, and the grave shall be at once closed up.

Re-opening of
unwalled grave.

12. (1) No body or remains of a body interred in any public burial ground shall be disinterred or removed except upon an order of a Coroner under the Coroners Act, or under a licence of the Minister in any other case.

Permission
necessary to
remove body.
Ch. 6:04.

(2) Every application for a licence to disinter or remove a body or remains of a body from any part of any burial ground shall be in writing addressed to the Minister and shall be accompanied by a certified copy of the entry in the Register of Deaths relating to the person whose body or remains it is desired to disinter or remove.

(3) Every such application shall contain the following particulars:

- (a) the name in full of the deceased person;
- (b) the age of the deceased person at death;
- (c) the sex of the deceased person;
- (d) the date of burial;
- (e) the exact purpose for which the exhumation is required;
- (f) the relationship (if any) of the applicant to the deceased.

(4) Every application must be accompanied by a statutory declaration that the facts and particulars stated in the application are true and correct.

(5) In every case where an application for an exhumation is granted, a fee of ten dollars shall be paid by such applicant to the Chief Executive Officer under whose direction the exhumation shall take place, who shall pay the said fee to the credit of the General Revenue.

(6) Every person to whom a licence is granted under these Regulations shall take or cause to be taken all such precautions, and use all such disinfectants, and do all such other acts and things as the Medical Officer of Health may require with a view to the prevention of a nuisance.

(7) Every exhumation or removal under any licence granted under these Regulations shall be carried out under the direction of the Keeper of the public burial ground wherein the interment took place, and subject to the supervision of the Medical Officer of Health.

(8) All expenses incurred for the re-opening of the grave, and the restoration of the ground to its original condition to the satisfaction of the Chief Executive Officer shall be paid by the applicant.

Persons within precincts of public burial ground.

13. Any person who, while within the precincts of any public burial ground, fails to comport himself in a proper and orderly manner, or who interrupts any religious service, or attempts in any manner to profane the sacred character of the place, or who destroys or in anywise injures tombs, plantations, fences, or enclosures is guilty of an infringement of these Regulations and liable to a fine of seventy-five dollars.

Permission to bury dead.

Ch. 44:01.

14. Applications for permission to bury the dead must be made to the Chief Executive Officer or to the Keeper and the applicant must produce to the Chief Executive Officer or to the Keeper the certificate of the Registrar of the district, in which the death occurred, referred to in section 31 of the Births and Deaths Registration Act, to prove that the death has been registered or that the Registrar has been duly notified of such death, and the applicant must provide grave diggers and bear all costs of interment.

15. (1) The fees and payments payable to the Chief Executive Officer or the Keeper shall be as follows: Fees and payments. [51/1980].

For permission to open a grave:	\$	¢.
For each adult	5.00	
For each child under 12 years	2.00	

For exclusive right of burial in perpetuity, the right of constructing any chapel, vault, etc.:

For an allotment 5 by 10 feet	15.00
For an allotment 10 by 10 feet	24.00
For every additional 5 by 10 feet	10.00

All such fees shall be paid to the credit of General Revenue.

(2) If the purchase of an allotment is made within three years subsequent to the fees being paid for opening a grave therein, the amount paid for opening such grave shall be deducted from the purchase money of such allotment.

16. Every person who opens a grave without permission of the Chief Executive Officer or Keeper, or who having obtained such permission neglects or refuses to pay the fees above specified, is guilty of an infringement of these Regulations and liable to a fine not exceeding seventy-five dollars. Opening grave without permission.

17. Interments in the ground set apart for the burial of paupers only shall be made under order or certificate from the Chief Executive Officer and in such cases no fees shall be payable. Burial of paupers.

18. (1) If any animal is found tethered, wandering, straying or lying in any public burial ground, the person in charge of such animal is guilty of an offence against these Regulations and liable on summary conviction to a fine of forty dollars unless he proves to the satisfaction of the Court before which he is charged that he had taken proper precautions to prevent the commission of such offence. Animals in public burial ground.

(2) In this regulation “animal” has the same meaning as is assigned to the expression “poundable animal” in the Pounds Act.

Ch. 67:03.

Upkeep of public burial ground.

19. The Keeper shall keep the public burial ground under his charge clean and in proper order. If any such Keeper shall knowingly and wilfully allow any infringement of these Regulations, he is liable to a fine of forty dollars.

Submission of quarterly statements.

20. The Chief Executive Officer shall submit quarterly statements to the County Council giving particulars of all matters dealt with by him or by the Keeper in terms of these Regulations. The County Council may issue such instructions thereon as they may think necessary or desirable.

Complaints.

21. Any person having complaints about the administration of a public burial ground may make such complaint in writing addressed to the Clerk of the County Council. The County Council or the appropriate Committee thereof shall consider the representation and the County Council shall give such instructions to the Chief Executive Officer as they think necessary or desirable.

**RURAL DISTRICTS PRIVATE BURIAL
GROUNDS REGULATIONS**

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation.
2. Application for licence.
3. Plan of burial ground.
4. Register to be kept.
5. Inspection.
6. Upkeep.
7. Notice of burial to be given.
8. Coffin level.
9. Depth of grave.
10. One body in each grave.
11. Re-opening of unwallled grave.
12. Permission to re-open unwallled grave.
13. Contravention of Regulations.

[Subsidiary]

G. 27/12/19.
[56/1947].

**RURAL DISTRICTS PRIVATE BURIAL
GROUNDS REGULATIONS**

made under section 4

Citation. **1.** These Regulations may be cited as the Rural Districts Private Burial Grounds Regulations.

Application for licence. **2.** Every application for the licence of a private burial ground shall be made through the Chief Executive Officer of the County.

Such application shall contain detailed particulars of the situation of the proposed burial ground, its area, boundaries and relations to dwellings, and shall be accompanied by a plan of the parcel of land to be used as a private burial ground.

Plan of burial ground. **3.** Every owner of a licensed private burial ground shall within three months of the making of these Regulations, furnish the Chief Executive Officer of the County with a plan of such burial ground, showing its situation, area and boundaries.

Register to be kept. **4.** The Chief Executive Officer shall keep a register containing particulars of all private burial grounds within his County. The register shall be in the following form:

COUNTY

No.	Owner	Area and boundaries	Exact situation of burial ground	Date licensed by Minister	Remarks. Date of discontinuance of burials ordered by Minister

5. The Chief Executive Officer and any person authorised in writing by him may at any reasonable time enter and inspect any private burial ground in his County. Inspection.

6. The owner of every private burial ground shall take proper steps to keep such burial ground in a clean and sanitary condition to the satisfaction of the Chief Executive Officer. Upkeep.

7. (1) Such owner shall give previous notification to the Chief Executive Officer of the district in which the private burial ground is situated of every burial which is to take place therein. Notice of burial to be given.

Such notification shall be accompanied by the certificate of the Registrar of the district in which the death occurred, referred to in section 31 of the Births and Deaths Registration Act. Ch. 44:01.

(2) Such owner shall keep or cause to be kept books in which shall be accurately recorded the interment of every person buried in the private burial ground, the name, age and usual place of residence of the deceased, the dates of his death and burial, and the name of the officiating clergyman or, in his absence, of some responsible person present at the burial.

8. No coffin shall be buried in any unwalled grave *within four feet of the ordinary level of the ground* unless it contains the body of a child under twelve years, when it shall not be less than three feet below that level. Coffin level.

9. All graves shall be dug to a depth of not *less than four feet from the surface*. Any person who shall inter or cause to be interred any corpse at a depth of *less than four feet* or who shall neglect or refuse to comply with the directions of the Chief Executive Officer in regard to the opening or filling in of any grave, is guilty of an infringement of these Regulations. Depth of grave.

10. One body only shall be buried in a grave at one time, unless the bodies be those of members of the same family. One body in each grave.

11. No unwalled grave shall be re-opened within seven years after the burial of a person above twelve years of age, except for Re-opening of unwalled grave.

the purpose of burying another member of the same family, in which case a layer of earth not less than one foot thick shall be left undisturbed above the previously buried coffin; but if on re-opening any grave, the soil is found to be offensive, such soil shall not be disturbed, and the grave shall be at once closed up and in no case shall human remains be removed from the grave.

Permission to re-open unwalled grave.

12. (1) Every application for permission to re-open an unwalled grave for the purpose of exhumation after the expiration of seven years from the date of burial in the case of a person above twelve years of age and five years after the burial of a child under twelve years of age shall be in writing and addressed to the Minister.

(2) Every such application shall contain the following particulars:

- (a) the name in full of the deceased person;
- (b) the age of the deceased person at death;
- (c) the sex of the deceased person;
- (d) the date of burial;
- (e) the exact purpose for which the exhumation is required;
- (f) the relationship (if any) of the applicant to the deceased,

and be accompanied by a copy of the Registrar's certificate of death and a medical certificate stating that the deceased whose remains it is proposed to exhume did not die from any infectious disease; and such application may be approved by the Minister.

(3) In case the remains of a deceased person have been placed in a properly closed leaden coffin, the exhumation may be permitted at any time subject to the production of the certificates as required in subregulation (1).

Contravention of Regulations.

13. Any person who contravenes any of the above regulations is liable on conviction to a fine not exceeding one hundred dollars.

**OFFENCES IN BURIAL GROUNDS (SAN FERNANDO)
REGULATIONS**

G. 13/12/1900.

made under section 4

1. These Regulations may be cited as the Offences in Burial Grounds (San Fernando) Regulations. Citation.

2. No person shall be allowed to climb or pass over, or pass through any railing, fence, gate or turnstile at, in or around any of the burial grounds, except through a gate or turnstile lawfully open at the time. All gates and turnstiles shall be closed daily from 7.00 p.m. of one day to 6.00 a.m. of the following day, except at such other time as the Corporation shall sanction. Entry to burial grounds.

3. No person shall damage or destroy any grave, monument, headstone, cross or other memorial to the dead, or any building, notice board, ornamental railing, gate or fence at, in, or around any of the burial grounds, grave, monument, headstone, cross or tomb. Destroying graves, etc.

4. No person shall steal, cut, break, root up, or otherwise damage, or destroy the whole or any part of any tree, sapling, shrub or flower growing in any of the burial grounds. Damaging foliage.

5. No person shall steal, remove, damage or destroy any floral wreath, or other decoration, temporary or permanently placed on, or around any grave, monument, headstone, cross, tomb or railing. Damaging wreaths, etc.,

6. No person shall behave in any riotous, violent, disorderly or indecent manner at any burial in any of the burial grounds, or wilfully obstruct any such burial or any religious service held at any such burial in any of the burial grounds. Indecent behaviour.

7. Every person who commits any breach of the foregoing regulations in any of the burial grounds within the limits of the City of San Fernando shall be liable to a fine of one hundred dollars or in default, to imprisonment for one month. Breach of regulations.

[Subsidiary]

G. 8/9/32.

BURIAL GROUND (SAN FERNANDO) REGULATIONS

made under section 4(2)

Citation.

1. These Regulations may be cited as the Burial Ground (San Fernando) Regulations.

Removal of
body.

2. (1) The Council may order the removal of any body or the remains of any body in any burial ground under their control from one part of such burial ground to the other.

(2) Such removal shall be ordered only where it has been found, after enquiry, that the allotment in which such deceased person was interred was not available for the purpose, and that the deceased person did not die of any infectious disease.
