

LAWS OF TRINIDAD AND TOBAGO

CREMATION ACT

CHAPTER 30:51

Act
16 of 1953
Amended by
17 of 1970
22 of 1976

Current Authorised Pages

| <i>Pages</i> | <i>Authorised</i> |
|--------------------|-------------------|
| <i>(inclusive)</i> | <i>by L.R.O.</i> |
| <i>1-29</i> | <i>1/1980</i> |

**Index
of
Subsidiary Legislation**

| | Page |
|--|------|
| Cremation Regulations (G.N. 6/1971) | 8 |
| Delegation of Powers under the Cremation Regulations (G.N. 23 of 1971) . . | 29 |

**Note
on
Adaptation**

Under paragraph 5 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 L.N. 120/1980, but no marginal reference is made to this Notice where any such amendment is made in the text.

CHAPTER 30:51

CREMATION ACT

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Interpretation.
3. Cremation authorised in manner provided by this Act.
4. Crematorium not to be established or operated without authority of Minister.
Authority may be revoked.
5. Burial Authority may provide for and maintain crematoria.
6. Permit required to burn on pyre.
7. Crematorium site.
Approval of plans of Crematoria required.
Pyre site.
8. Regulations as to burning of human remains.
9. Offence to make false statement.
Penalty for concealing offences or impeding prosecution.
10. Offences.
11. Fees.
12. Savings.
13. Provisions of Public Health Ordinance not affected.

An Act for the Regulation of Burning of Human Remains in Crematoria or otherwise and for the establishment of Crematoria.

1951-53 Ed.
Ch 12 No. 20.
16 of 1953

[1ST AUGUST 1956]

Commencement.
94/1956.

1. This Act may be cited as the Cremation Act.
2. In this Act—
 “Burial Authority” means the Council of any City or Borough or any other authority in charge or control of any public burial ground licensed under the Burial Grounds Act;
 “Cremation Authority” means any Burial Authority or any person by whom a crematorium has been established with the authority of the Minister;
 “crematorium” means any building fitted with appliances for the purpose of burning human remains and includes everything incidental or ancillary thereto.

Short title.

Interpretation.

Ch 30:50.

Cremation authorised in manner provided by this Act.

3. From and after the commencement of this Act it shall be lawful to dispose of human remains by burning the same in an approved crematorium or in a pyre specially constructed for the purpose, in accordance with this Act and of any regulations made thereunder.

Crematorium not to be established or operated without authority of Minister.

4. (1) No person shall construct, establish, operate or maintain a crematorium except with the written authority of the Minister and in accordance with such terms and conditions as the Minister may impose, being terms and conditions which he may consider requisite and conducive to the public good.

Authority may be revoked.

(2) An authority granted under subsection (1) to any person may be revoked at any time by the Minister.

Approval of plans of crematoria required.

(3) No person shall burn any human remains in any crematorium until the plans and site thereof have been approved by the Minister and until the crematorium has been certified by the Minister of Health and Local Government to the Minister to be complete, built in accordance with such plans and properly equipped for the purpose of the disposal of human remains by burning.

Burial Authority may provide for and maintain crematoria.

5. The powers of a Burial Authority shall be deemed to extend to and include the powers of providing and maintaining crematoria.

Permit required to burn on pyre. [22 of 1976].

6. No person shall burn any human remains on a pyre or in a crematorium unless he is in possession of a valid permit or licence to do so obtained in accordance with regulations made under this Act.

Crematorium site.

7. (1) No person shall construct a crematorium within one hundred yards of any dwelling house nor within fifty yards of any highway, nor in the consecrated part of the burial ground of any cemetery under the charge or control of any Burial Authority.

Pyre site.

(2) No person shall burn any human remains by the pyre method within such distance of a dwelling house or any highway as may be prescribed.

Regulations as to burning of human remains. [22 of 1976].

8. (1) The Minister shall make regulations for the better carrying out of the provisions of this Act, and without prejudice to the generality of the foregoing for any or all of the following purposes:

(a) as to the maintenance and inspection of crematoria;

- (b) prescribing in what cases and under what conditions the burning of any human remains may take place;
- (c) directing and controlling the disposition or interment of the ashes;
- (d) prescribing the forms of any notices, certificates and declarations to be given or made before any burning of human remains is permitted to take place;
- (e) as to the registration of such burnings of human remains as have taken place;
- (f) providing for the manner in which pyres shall be constructed and in which human remains may be burned thereon;
- (g) prescribing the charges or fees which may be demanded by a Cremation Authority for the burning of human remains in a crematorium;
- (h) providing for the issue, suspension and cancellation of licences or permits to burn human remains on a pyre or in a crematorium.

(2) Regulations made under this section may provide that any person who contravenes the provisions of such regulation is liable on summary conviction to a fine of one thousand dollars and to imprisonment for six months.

(3) Penalties imposed on any person under and by virtue of regulations made under this section shall be in addition and without prejudice to any liabilities or penalties which he may otherwise incur.

(4) Regulations made under this section shall be subject to affirmative resolution of Parliament.

9. (1) Any person who wilfully makes or causes to be made any false statement, declaration or representation or who signs or utters any false certificate required to be made, signed or uttered under or by virtue of this Act with a view to procuring the burning of any human remains is liable on conviction on indictment to a fine of five thousand dollars and to imprisonment for two years.

Offence to
make false
statement, etc.
[22 of 1976]

(2) Any person, who, with intent to conceal the commission or impede the prosecution of any offence procures or attempts to procure the cremation of any human remains, or with such intent, makes any declaration or gives any certificate under this Act is liable on conviction on indictment to a fine of twenty thousand dollars and to imprisonment for five years.

Penalty for
concealing
offence or
impeding
prosecution.

Offences.
[22 of 1976].

10. Any person who—

- (a) constructs, establishes, operates or maintains a crematorium without the written authority of the Minister or otherwise than in accordance with any terms or conditions imposed by the Minister under section 4(1);
- (b) burns any human remains in any crematorium before the plans and site thereof have been approved by the Minister or before the crematorium has been certified as provided by section 4(3);
- (c) burns any human remains on any pyre or in any crematorium without being in possession of a valid permit or licence to do so;
- (d) constructs a crematorium in breach of any provision of section 7(1); or
- (e) burns any human remains on a pyre within such distance of a dwelling house or public highway as may be prescribed by regulations made hereunder,

is liable on conviction on indictment to a fine of twenty thousand dollars and to imprisonment for two years.

Fees

11. A Cremation Authority may demand payment of any such charges or fees for the burning of human remains in any crematorium provided by it as may be prescribed, and such charges or fees, and any other expenses properly incurred in or in connection with the cremation of a deceased person, shall be deemed to be part of the funeral expenses of the deceased.

Savings.

12. Nothing in this Act shall—

- (a) interfere with the jurisdiction of any coroner under the Coroner's Act or any Act amending the same;
- (b) authorise any Burial or Cremation Authority or any person to create, or permit a nuisance.

Provisions of
Public Health
Ordinance not
affected.
Ch 12. No. 4.
(1950 Ec.)

13. The provisions of this Act shall be in addition to and not in derogation of any provision contained in the Public Health Ordinance.

SUBSIDIARY LEGISLATION**CREMATION REGULATIONS****ARRANGEMENT OF REGULATIONS**

REGULATION

1. Citation.
2. Interpretation.
3. Maintenance and inspection.
4. Form and mode of application for permit.
5. Who may apply.
6. Authorised officer to grant, delay or refuse application.
7. When unlawful to cremate.
8. Medical certificates required before cremation.
9. Disposal of ashes.
10. Conditions for cremations.
11. Duty of person to whom permit has been issued.
12. Duties of holder of permit.
13. Permits, etc., to be kept at Police Divisional Headquarters.
14. Human remains to be all reduced to ashes.
15. Ashes may be exported.
16. Regulations not to affect provisions of Public Health Ordinance.
17. Applications, etc., open to inspection.
18. Provisions for rules.
19. Interpretation of Part II.
20. Establishment of crematorium.
21. Certificate of local authority.
22. Site of crematorium.
23. Duty to maintain crematoria in good condition.
24. Notice required of intention to open or close crematorium.
25. Application to be signed by relative.
26. Authorised officer to grant, delay or refuse application.
Authorised officer to issue written authority to cremate.
27. Conditions for cremations.
28. Medical certificates required before cremation.
29. Disposal of ashes.
30. Human remains to be all reduced to ashes.
31. Ashes may be exported.
32. Regulations not to affect provisions of Public Health Ordinance.
33. Registration of burning of human remains.
34. Applications, certificates and documents to be retained by Crematorium Authority.
Inspection of documents.
35. Disposal of documents.
36. Order of Minister as to fees for cremations.
37. Power of Minister to delegate.
38. Offences and penalties.

[Subsidiary]

Cremation Regulations

6/1971.
[66/1977].

CREMATION REGULATIONS

made under section 8

Citation.

1. These Regulations may be cited as the Cremation Regulations.

PRELIMINARY

Interpretation
[66/1977]

2. In these Regulations—

“authorised officer” means the police officer of or above the rank of Inspector of the division in which the deceased whose remains it is intended to cremate lived and includes any other police officer of or above that rank authorised by the Commissioner of Police;

Second
Schedule

“authorised site” means any of the sites specified in the Second Schedule and any other site the use of which is from time to time authorised by the Minister pursuant to regulation 10(2);

Ch 15:01.
Sub. Leg.

“division” means a police division within the meaning of the Police Service Regulations;

Ch. 39 No. 1.
(1950 Ed.).

“local authority” means the Port-of-Spain Corporation established under the Port-of-Spain Corporation Ordinance. The San Fernando Corporation established under the San Fernando Corporation Ordinance and the Arima Corporation established under the Arima Corporation Ordinance and includes a County Council established under the County Councils Act;

Ch. 39 No. 7
(1950 Ed.).Ch. 39 No. 11.
(1950 Ed.).

Ch. 25:04.

“medical officer” means a medical practitioner who is in the public service;

“Medical Practitioner” means a person duly registered by the Medical Board of Trinidad and Tobago;

“Minister” means the Minister to whom responsibility for Local Government is assigned.

PART I

CREMATION BY PYRE METHOD

Maintenance
and inspection.
[66/1977].

3. Every pyre site established in Trinidad and Tobago under the Act and every authorised site shall be—

(a) maintained in good working order;

- (b) provided with a sufficient number of attendants trained to the satisfaction of the Chief Medical Officer;
- (c) kept constantly in a clean and orderly condition; and
- (d) open to inspection at any reasonable time by any person appointed for such purposes by the Minister of Health.

4. (1) An application for a permit to construct a funeral pyre and to cremate human remains shall be made in accordance with these Regulations—

Form and mode of application for permit. [66/1977].

(a) on Form A in the First Schedule; and

Form A. First Schedule.

(b) to the authorised officer at least six hours before the intended cremation.

(2) An application under subregulation (1) shall specify the time and place of the intended cremation.

(3) A copy of the application referred to in subregulation (1) shall be forwarded by the applicant to the County Medical Officer of Health in whose county the intended cremation is to take place at least six hours before the intended cremation.

5. An application to which regulation 4 refers shall be made and signed by an executor or by the nearest surviving relative of the deceased or by some other person except that where any application is made by a person other than the executor or nearest relative of the deceased such person shall show good reason to the satisfaction of the authorised officer why the application is not in fact being made by an executor or by such relative of the deceased.

Who may apply.

6. (1) No permission to cremate shall be granted unless the requirements for cremation of human remains by the Pyre method prescribed by the Act and these Regulations have been complied with.

Authorised officer to grant, delay or refuse application. [66/1977].

(2) The authorised officer may in his absolute discretion either grant, delay or refuse permission to cremate the remains of a deceased.

(3) A permit to construct a funeral pyre and to cremate human remains on a pyre shall be issued in accordance with Form B in the First Schedule, and shall be subject to such conditions as are specified therein.

Form B. First Schedule.

When unlawful
to cremate.
[66/1977]

7. (1) No person shall dispose of by burning on any pyre—
- (a) the remains of any person who is known to have left a written declaration to the contrary;
 - (b) any human remains which have not been properly identified; or
 - (c) the remains of any person unless a written authority to do so has first been obtained from the authorised officer under regulation 6(2) and all other requirements of the Act and of these Regulations have been fully complied with.

(2) Any person who contravenes any of the provisions of subregulation (1) is liable on summary conviction to a fine of one thousand dollars and to imprisonment for six months.

Medical
certificates
required before
cremation.
[66/1977]
Form C.
First
Schedule.

8. (1) No cremation of human remains by the pyre method shall be allowed to take place unless—

- (a) a certificate in accordance with Form C in the First Schedule has been given by the medical practitioner or where the death occurred at a hospital by the medical officer who attended the deceased during his last illness and who can certify definitely as to the cause of death;
- (b) a confirmatory medical certificate in accordance with the Addendum to Form C in the First Schedule has been given by a medical officer who is not a relative of the deceased or a relative or partner of the medical practitioner or the medical officer who has given the certificate referred to in paragraph (a);
- (c) a post-mortem examination has been performed by a medical officer in the circumstances specified in subregulation (2) and a certificate has been given by him in accordance with Form E in the First Schedule; and
- (d) a certificate is produced to the effect that the death has been duly registered in accordance with the provisions of the Births and Deaths Registration Act.

Form E.
First Schedule.

Ch. 44:01.

(2) A post-mortem examination shall be performed by a medical officer requested to do so by an authorised officer and approved by the Chief Medical Officer where—

- (a) there is reasonable cause to suspect that the deceased died a violent or an unnatural death;
- (b) the deceased died a sudden death;

- (c) the cause of death is unknown; or
- (d) the deceased died in such place or in such circumstances as would require an inquest to be held in pursuance of any law.

9. (1) After the remains of a deceased person have been cremated, the holder of the permit shall take charge of the ashes which shall be—

Disposal of ashes.
[66/1977].

- (a) decently interred in a burial ground or on a site reserved for the burial of such ashes; or
- (b) scattered on the sea or thrown therein in a place not less than a quarter of a mile from any public bathing beach or into a river approved by that authority.

(2) Before any site is reserved or any place in the sea or any river is approved for the burial or disposal of the ashes of a deceased person in accordance with subregulation (1), a local authority shall consult the Minister to whom responsibility for Planning and Development is assigned.

(3) Any person who—

- (a) buries, scatters, throws or otherwise disposes of or authorises the burying, scattering, throwing or other disposal of any ashes of human remains save as provided in subregulation (1); or
- (b) buries, scatters, throws or otherwise disposes of or authorises the burying, scattering, throwing or other disposal of any ashes of human remains into any lagoon, pond, dam, reservoir, river, stream, ravine or water course,

is liable on summary conviction to a fine of one thousand dollars and to imprisonment for six months.

(4) In this regulation “scatter” means to throw over a limited surface suitably enclosed and reserved specifically for that purpose and thereafter to cover lightly with earth.

10. (1) Notwithstanding the issue of a permit under regulation 6, no cremation of human remains shall be carried out by the pyre method at any place, unless—

Conditions for cremations.
[66/1977]

- (a) the site on which the pyre is to be constructed is an authorised site; and
- (b) the cremation is conducted by the holder of the permit;

Ch. 12 No. 4.
(1950 Ed.).

- (c) an officer designated by the Minister of Health to ensure that the provisions of the Public Health Ordinance have been complied with, is present; and
- (d) a police officer designated by the Commissioner of Police to ensure that the provisions of the Act and these Regulations have been complied with, is present.

(2) The Minister may by Notification authorise the use of any site within the district of a local authority for the construction of funeral pyres for the cremation of human remains if the site—

- (a) is at least one-half mile from the nearest dwelling house and not less than one hundred yards from any road;
- (b) is at a place where its use as a site for the cremation of human remains is not likely to be a nuisance;
- (c) is properly fenced from animals and screened from public view; and
- (d) is approved by the County Medical Officer of Health as being a suitable site for the cremation of human remains.

(3) The Minister may if he thinks fit, by Notification at any time declare that a site is no longer an authorised site.

Duty of person
to whom permit
has been issued.
[66/1977]

11. (1) A person to whom a permit has been issued pursuant to regulation 6 shall—

- (a) act in accordance with the provisions of the Act and these Regulations;
- (b) satisfy any conditions specified in the permit;
- (c) obey any orders or directions given to him by an authorised officer; and
- (d) be responsible for the acts and omissions of all those who are employed by him.

(2) An authorised officer may withdraw or cancel a permit issued pursuant to regulation 6, if the holder of the permit fails to comply with any of the requirements of subregulation (1) or to satisfy any of the conditions subject to which the permit was issued.

(3) No person, other than the holder of a permit issued under regulation 6 and his assistants working under his supervision may do any work in relation to the construction of a funeral

pyre authorised to be constructed under regulation 10(2) or the cremation of human remains.

(4) A person who contravenes the provisions of subregulations (1) and (3) is liable on summary conviction to a fine of one thousand dollars and to imprisonment for six months.

12. Upon the completion of the cremation in accordance with these Regulations, the holder of a permit shall obtain from the police officer present at the cremation a certificate in accordance with Form D in the First Schedule to the effect that the cremation was conducted under and in accordance with these Regulations. The police officer present at the cremation shall send a copy of the certificate to the Minister and to the authorised officer who issued the permit.

Duties of holder of permit. [66/1977].

Form D First Schedule.

13. Subject to the regulation 17(2), the police officer in charge of the Police Divisional Headquarters shall keep copies of all applications, permits or other documents pertaining to cremations under the Act or these Regulations.

Permits etc., to be kept at Police Divisional Headquarters. [66/1977].

14. Any human remains burnt on any pyre shall be reduced entirely to ashes which shall then be salvaged and dealt with in the manner prescribed by regulation 9.

Human remains to be all reduced to ashes.

15. Nothing herein contained shall prevent the ashes of any human remains cremated in accordance with the provisions of the Act or of these Regulations from being exported from the country in containers sealed to the satisfaction of the Chief Medical Officer.

Ashes may be exported.

16. Nothing herein contained shall be deemed to authorise the burning of human remains or to authorise the disposal of the ashes of human remains so as to contravene the provisions of the Public Health Ordinance.

Regulations not to affect provisions of Public Health Ordinance. Ch. 12 No. 4. (1950 Ed.).

17. (1) Copies of all applications, permits and other documents kept at the Police Divisional Headquarters shall be open to inspection at any reasonable hour by any person appointed for that purpose by the Minister or by the Commissioner of Police.

Applications, etc., open to inspection. [66/1977].

(2) The police officer in charge of the Police Divisional Headquarters may, after the expiration of fifteen years from the date of the cremation to which they relate destroy all copies of applications, permits and other documents in his possession.

[Subsidiary]

Cremation Regulations

Provisions for rules.

18. The Minister may from time to time by Order provide for rules regulating the fees to be charged for cremation by pyre method, the hours during which cremation under this Part may be carried on and generally for the proper administration of this Part.

PART II

CREMATION BY CREMATORIUM METHOD

Interpretation of Part II

19. In this Part—

“Crematorium Authority” means any burial authority or any company or person by whom a crematorium has been established or operated;

“Crematorium” means any building fitted with appliances for the purpose of burning human remains and includes everything incidental and ancillary thereto.

Establishment of crematorium.

20. (1) No crematorium shall be established without the permission of the Minister.

(2) A person desiring to establish a crematorium shall make application to the Minister for permission to do so and shall submit the plans and site thereof to the Minister and the local authority concerned.

(3) Where the local authority after consultation with the Ministry of Planning and Development approves the plans and the site for the crematorium it shall so certify, and the Minister may if he thinks fit grant permission for the establishment of the crematorium.

(4) Where a crematorium is so established, the Crematorium Authority shall notify the Minister of any change of name of the crematorium, or of any change of ownership thereof.

Certificate of local authority.

21. A crematorium established under regulation 20 may not be used for the cremation of human remains unless the local authority certifies to the Minister that the crematorium is complete, built in accordance with such plans and properly equipped for the purpose of the disposal of human remains by burning.

Site of crematorium.

22. No crematorium shall be constructed within one hundred yards of any dwelling-house, nor within fifty yards of any road, nor in the consecrated part of the burial ground of any cemetery.

MAINTENANCE AND INSPECTION OF CREMATORIA

23. (1) Every crematorium shall be—

- (a) maintained in good working order;
- (b) provided with a sufficient number of attendants; and
- (c) kept constantly in a clean and orderly condition.

Duty to maintain crematoria in good condition.

(2) Where the Crematorium Authority fails to comply with subregulation (1), the crematorium may be closed by order of the Minister upon his giving not less than one week's notice thereof by advertisement in a newspaper circulating in Trinidad and Tobago and by affixing written notice thereof to the entrance to the crematorium.

(3) The Crematorium Authority shall give notice in writing to the Minister of the opening or closing of any crematorium.

(4) Every crematorium shall be open to inspection at any time by any person appointed for that purpose by the Minister or by the Minister to whom responsibility for Health is assigned.

(5) No cremations of human remains shall take place except in a crematorium, notice of the opening of which has been given to the Minister.

CONDITIONS UNDER WHICH CREMATIONS MAY TAKE PLACE

24. (1) A Crematorium Authority shall give to the Minister at least one month's notice in writing of its intention to open or close any crematorium established by it or over which it has control.

Notice required of intention to open or close crematorium.

(2) A Crematorium Authority shall before closing any crematorium established by it or under its control give at least one month's notice of such intention to the public.

(3) A notice to which subregulation (2) refers shall be prominently displayed for at least one month prior to the proposed closing date at the main entrance of the crematorium and shall also be published on at least six (6) days during the said period in a daily newspaper circulating in the division in which such crematorium is situated.

25. An application to have any human remains cremated under the Act shall be made and signed by an executor or by the nearest surviving relative of the deceased, or by some other person provided that in the case of such other person he shall show good reason to the satisfaction of the authorised officer why the appli-

Application to be signed by relative. [66/1977]

[Subsidiary]

Cremation Regulations

cation is not in fact being made by an executor or by such relative of the deceased.

Authorised officer to grant, delay or refuse application.

26. (1) No permission for cremation shall be granted unless the requirements prescribed by the Act and these Regulations have been complied with.

Authorised officer to issue written authority to cremate.

(2) The authorised officer may in his absolute discretion either grant, delay or refuse permission to cremate the remains of the deceased.

Form B.

(3) A permit granted in accordance with subregulation (1) shall be in writing in accordance with Form B in the First Schedule.

When unlawful to cremate.

(4) No cremation shall be performed unless a police officer or police officers designated by the Commissioner of Police for the purpose of ensuring that the Act and these Regulations have been complied with are present.

Conditions for cremations. [66/1977].

27. (1) It shall not be lawful to dispose of by burning in any crematorium—

- (a) the remains of any person who is known to have left a written declaration to the contrary; or
- (b) any human remains which have not been properly identified; or
- (c) the remains of any person unless a written authority to do so has first been obtained from the authorised officer under regulation 26 and all other requirements of the Act and these Regulations have been fully complied with.

(2) Any person who contravenes the provisions of this regulation is liable on summary conviction to a fine of one thousand dollars and to imprisonment for six months.

Medical certificates required before cremation Form C First Schedule. [66/1977]

28. (1) No cremation of human remains by the crematorium method shall be allowed to take place unless—

- (a) a certificate in accordance with Form C in the First Schedule has been given by the medical practitioner or, where the death occurred at a hospital, by the medical officer who attended to the deceased during his last illness and who can certify definitely as to the cause of death;
- (b) a confirmatory medical certificate in accordance with the Addendum to Form C in the First Schedule has

been given by a medical officer who is not a relative of the deceased or a partner of the medical practitioner or the medical officer who has given the certificate referred to in paragraph (a);

- (c) a post-mortem examination has been performed by a medical officer in the circumstances specified in subregulation (2) and a certificate has been given by him in accordance with Form E in the First Schedule; and
- (d) a certificate is produced to the effect that the death has been duly registered in accordance with the provisions of the Births and Deaths Registration Act.

Form E.
First Schedule.

Ch 44:01.

(2) A post-mortem examination shall be performed by a medical officer requested to do so by an authorised officer and approved by the Chief Medical Officer where—

- (a) there is reasonable cause to suspect that the deceased died a violent or an unnatural death;
- (b) the deceased died a sudden death;
- (c) the cause of death is unknown; or
- (d) the deceased died in such place or in such circumstances as would require an inquest to be held in pursuance of any law.

29. (1) After the cremation of the remains of a deceased person the ashes shall be given into the charge of the person who applied for the said cremation, if he so desires. Where the ashes are not so desired, they shall be retained by the Crematorium Authority, and, in the absence of any special arrangement, they shall either be decently interred in a burial ground or in the land adjoining the crematorium or site reserved for the burial of such ashes or shall be scattered thereon or thrown into the sea in a place not less than a quarter of a mile from any public bathing beach and approved by the local authority or into a river approved by the local authority.

Disposal of
ashes.
[66/1977].

(2) Where ashes are left temporarily in the charge of the Crematorium Authority and not removed within a reasonable time, a fortnight's notice shall be given by the Crematorium Authority to the person who applied for the cremation before the remains are interred or scattered or thrown into the sea or river in accordance with subregulation (1).

(3) Any person who throws or authorises the throwing of any ashes of human remains into the sea or a river save as is

[Subsidiary]

Cremation Regulations

provided by this regulation, or into any lagoon, pond, dam, reservoir, stream ravine or watercourse or disposes of the same otherwise than in accordance with the provisions of subregulation (1) is liable on summary conviction to a fine of one thousand dollars and to imprisonment for six months.

(4) In this regulation "scatter" means to strew over a limited surface suitably enclosed and reserved specifically for that purpose and thereafter to cover lightly with earth.

Human remains to be all reduced to ashes.

30. 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 regulation 29.

Ashes may be exported.

31. Nothing herein contained shall prevent the ashes of any human remains cremated in accordance with the provisions of the Act or of these Regulations from being exported from the country in containers sealed to the satisfaction of the Chief Medical Officer.

Regulations not to affect provisions of Public Health Ordinance. Ch. 12 No.4. (1950 Ed.).

32. Nothing herein contained shall be deemed to authorise the burning of human remains or to authorise the disposal of the ashes of human remains so as to contravene the provisions of the Public Health Ordinance.

Registration of burning of human remains.

33. (1) Every Crematorium Authority shall keep a register of all cremations carried out by it.

(2) Entries shall be made relating to each cremation immediately after the cremation has taken place, except the entry concerning the disposal of the ashes, which shall be made as soon as the ashes of the deceased have been handed to the person to whom authority to cremate was given by the authorised officer or have been otherwise disposed of in accordance with regulation 29.

Applications, certificates, and documents to be retained by Crematorium Authority. [66/1977].

34. (1) All applications, certificates, and other documents relating to any cremation shall be marked with a number corresponding to the number in the register and shall be filed in order and shall be carefully preserved by the Crematorium Authority. However the Crematorium Authority may, if it thinks fit, destroy any such applications, certificates, or other documents (but not the register of cremations or any part thereof) after the expiration of fifteen years from the date of the cremation to which they relate.

Cremation Regulations

[Subsidiary]

(2) All such registers and documents shall be open to inspection at any reasonable hour by any person appointed for that purpose by the Minister or by the Commissioner of Police.

Inspection of documents.

35. When any crematorium is closed as provided in regulation 23 the Cremation Authority shall send all registers and documents relating to the cremations which have taken place therein to the Minister of Local Government or otherwise dispose of them as he may direct.

Disposal of documents.

36. The Minister may by Order regulate the fees to be charged for cremations, the hours during which cremations may be carried out and generally for the proper administration of crematoria in accordance with the Act and these Regulations.

Order of Minister as to fees for cremations.

*37 The Minister may, in relation to any particular regulation other than this regulation by writing under his hand, delegate to any person his powers thereunder.

Power of Minister to delegate.

MISCELLANEOUS

38. A person who contravenes any of the provisions of these Regulations is guilty of an offence, and any person guilty of an offence against these Regulations, except where the provisions by or under which the offence is created provides the penalty to be imposed, is liable on summary conviction to a fine of one thousand dollars and in the case of a continuing offence to a further fine of fifty dollars for each day during which the offence continues after conviction therefor.

Offences and penalties.
[66/1977]

* For delegation of powers under this regulation—See GN 23/1971.

FIRST SCHEDULE

FORM A

(Regulation 4(1)(a))

Application for a permit to construct a funeral pyre and to cremate human remains

I, of
(state name and address of applicant)

Occupation
(state occupation of applicant)

apply to the authorised officer of the Division

for a permit to construct a funeral pyre and to cremate on

(date and time of intended cremation)

at
(state site of intended cremation)

the remains of of
(state name and address of deceased)

Age Sex Marital Status

1. Are you an executor or the nearest surviving relative of the deceased?
2. If not state
 - (a) Your relationship to the deceased
 - (b) The reason why the application is made by you and not by an executor or any near relative
3. Did the deceased leave any written directions as to the mode of disposal of his or her remains? If so, state directions
4. Have the near relatives* of the deceased been informed of the proposed cremation?
5. Has any near relative of the deceased expressed any objection to the proposed cremation? If so, on what ground?
6. What was the date and hour of the death of the deceased?
7. What was the place where deceased died? (Give address and say whether own residence, lodgings, hotel, hospital, nursing home, etc.)

I have no knowledge or reason to suspect that the death of the deceased was due, directly or indirectly, to violence, poison, privation or neglect, nor do I have knowledge of any other reason for which a cremation should not be undertaken.

.....
Signature of Applicant

.....
Relation to Deceased

.....
Date and time of Application

.....
**(Witness to Signature)*

*The expression "near relative" includes a widow or a widower, the parents or children above the age of sixteen of the deceased and any other relative usually residing with the deceased.

FORM B

(Regulations 6(3) and 26(3))

Permit to construct funeral pyre and to cremate human remains

(To be issued by the authorised officer)

To: A.B. of
(state name and address of applicant)

WHEREAS application has been made for a permit to construct a funeral pyre and to cremate the remains of

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

And whereas I am satisfied—

- (a) that the requirements for the construction of a funeral pyre and the cremation of human remains prescribed by the Cremation Act and these Regulations 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 the remains of the said
(state name of deceased)

in accordance with the Regulations is hereby issued to the said A.B. This permit is issued

subject to the condition that the remains of the said
(state name of deceased)

shall be cremated at
(insert place of cremation)

on the day at
(insert date and time of cremation)

.....
Signature of authorised officer

NOTE—This permit should be signed in duplicate; one copy should be retained with certificates and the other delivered to the applicant.

*In the case of a still-born child, in place of the name, address and occupation, insert a description sufficient to identify the body, and in place of the words “that the cause of death has been definitely ascertained” insert the words “that the child was still-born”.

FORM C

(Regulations 8(1)(a) and 28(1)(a))

Certificate of Medical Attendant

(To be given by a medical practitioner* who attended to the deceased during his last illness and who can certify definitely as to the cause of death).

I am informed that application is about to be made for the cremation of the remains of:—

(Name of Deceased)

(Address)

(Occupation)

Having attended to the deceased before death, and having viewed the body after death, I give the following answers to the questions set out below:—

1. On what date, and at what hour did he or she die?

2. What was the place where the deceased died? (Give address and say whether own residence, lodging, hotel, hospital, nursing home, etc.)

3. Are you a relative of the deceased? If so, state the relationship.

4. Have you, so far as you are aware any pecuniary interest in the death of the deceased?

5. Were you the ordinary medical attendant of the deceased? If so, for how long?

6. Did you attend the deceased during his or her last illness? If so, for how long?

7. When did you last see the deceased alive? (Say how many days or hours before death).

8. How soon after death did you view the body and what examination of it did you make?

*Where death occurred at a hospital certificate is to be given by the medical officer who attended the deceased.

[Subsidiary]

Cremation Regulations

- | | |
|--|----------------------------------|
| 9. What was the cause of death? | Primary Secondary |
| Immediate cause | (a) due to |
| Morbid conditions (if any) (giving rise to immediate cause (stated in order proceeding backwards from immediate cause) | (b) (c) |
| Other morbid conditions (if) important contributing to death but not related to immediate cause | |
| 10. What was the mode of death? (Say whether syncope, coma, exhaustion, convulsions, etc.) What was its duration in days, hours or minutes? | |
| 11. State how far the answers to the last two questions are the result of your own observations, or are based on statements made by others. If on statements made by others, say by whom | |
| 12. Did the deceased undergo any operation during the final illness or within a year before death? If so, what was its nature, and who performed it? | |
| 13. By whom was the deceased nursed during his or her last illness? (Give names, and say whether professional nurse, relative, etc. If the illness was a long one, this question should be answered with reference to the period of four weeks before the death) | |
| 14. Who were the persons (if any) present at the moment of death? | |
| 15. In view of the knowledge of the deceased's habits and constitution do you feel any doubt whatever as to the character of the disease or the cause of death? | |
| 16. Have you any reason to suspect that the death of the deceased was due directly or indirectly to | |
| (a) violence; | |
| (b) poison; | |
| (c) privation or neglect? | |

Cremation Regulations

[Subsidiary]

- 17. Have you any reason whatever to suppose a further examination of the body to be desirable?
- 18. Have you given the certificate required for registration of death? If not, who has?
.....

I hereby certify that the answers given above are true and accurate to the best of my knowledge and belief, and that I know of no reasonable cause to suspect that the deceased died a violent or an unnatural death or a sudden death or that the cause of death is unknown or that he died in such place or circumstances as to require an inquest in pursuance of any law.

.....
Signature of Medical Attendant

.....
Address

.....
Qualifications

Date

NOTE:—This certificate must be handed or sent in a sealed envelope by the medical practitioner or the medical officer who signed it to the medical officer who has to give the confirmatory medical certificate set out as an Addendum to this Form

[Subsidiary]

Cremation Regulations

ADDENDUM TO FORM C

Confirmatory Medical Certificate

"I a medical officer attached to the hereby certify as follows: (state place where attached)

(a) that the above-named deceased was not attended to by me during his last illness;

(b) that I viewed his body at on (state place at and date on which body was viewed)

and

(c) that I am satisfied that the said deceased died as I am informed on the date given above and to the best of my knowledge the cause of death was as stated above."

I further certify that the answers given above are true and accurate to the best of my knowledge and belief, and that I know of no reasonable cause to suspect that the deceased died either a violent or an unnatural death or a sudden death the cause of which is unknown or died in such place or circumstances as to require an inquest in pursuance of any Act.

..... Signature of Medical Officer

..... Address

..... Qualifications

Date

FORM D

(Regulation 12)

CERTIFICATE OF DUE COMPLIANCE

(To be given by the Police Officer present at the Cremation)

I, a Police Officer attached to the
..... hereby certify that I was present at the
(state name of station)

cremation *in a crematorium established under the Cremation Regulations, *in/on a
funeral pyre of the remains of
(state name of deceased)

and I further certify that the said cremation was duly and properly conducted under and in
accordance with the said Regulations.

Dated this day of 198

.....
Police Officer

*Delete whichever is not applicable.

[Subsidiary]

Cremation Regulations

FORM E

(Regulations 8(1)(c) and 28(1)(c))

Certificate after Post-Mortem Examination

(To be given by the Medical Officer requested by the authorised officer and approved by the Chief Medical Officer)

I hereby certify that, acting on the request of (state name of authorised officer)

authorised officer of thedivision I made a post-mortem examination of the remains of

(state name of deceased)

(state address of deceased)

(state occupation of deceased)

The result of the examination is as follows:

I am satisfied that the cause of death was due to (state cause of death)

that there is no reason for making any toxicological analysis or *for the holding of an inquest.

Signature of Medical Officer

Address

Qualifications

(Date)

*The words underlined should be omitted where a toxicological analysis has been made and its result is stated in this certificate or in a certificate attached to it.

[66/1977].

SECOND SCHEDULE

Northern Bank of the Godineau River

Southern Bank of the Caroni River, East of the Princess Margaret Highway

Northern Bank of the Caroni River at the end of the El Socorro Extension Road, San Juan

Waterloo Bay, Carapichaima.

DELEGATION OF POWERS

23/1971.

made under regulation 37

THE PUBLIC is hereby notified that in accordance with regulation 37 of the Cremation Regulations, the Minister of Local Government has delegated his powers under regulation 11(1) of the Cremation Regulations, to grant licences, authorising persons to construct pyres on which human remains may be burned, to the following persons:

| <i>County</i> | <i>Person delegated by the Minister</i> |
|----------------------------|---|
| St. George | The Chief Executive Officer, St. George County Council. |
| St. David-St. Andrew | The Chief Executive Officer, St. David-St. Andrew County Council. |
| Nariva-Mayaro | The Chief Executive Officer, Nariva-Mayaro County Council. |
| Caroni | The Chief Executive Officer, Caroni County Council. |
| Victoria | The Chief Executive Officer, Victoria County Council. |
| St. Patrick | The Chief Executive Officer, St. Patrick County Council. |
| Tobago | The Chief Executive Officer, Tobago County Council. |