

GOVERNMENT NOTICE No. 66

REPUBLIC OF TRINIDAD AND TOBAGO

THE CREMATION ORDINANCE, CH. 12. No. 20

REGULATIONS

MADE BY THE PRESIDENT UNDER SECTION 8 OF THE CREMATION ORDINANCE

THE CREMATION (AMENDMENT) REGULATIONS, 1977

1. These Regulations may be cited as the Cremation (Amendment) Regulations, 1977.

2. The Cremation Regulations, 1970 are amended—

(a) by substituting the following definition for the definition of "authorised officer" occurring in regulation 2—

" "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;"

Cremation Regulations amended. G.N. No. 6 of 1971

(b) by inserting in its appropriate alphabetical order in regulation 2, the following new definitions—

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 12(2);

" "medical officer" means a medical practitioner who is in the public service.";

(c) by deleting the definitions of "Cremation Authority" and "proper officer" occurring in regulation 3;

(d) by substituting for the words "every site specified in a licence issued under regulation 13 shall be . . ." occurring in regulation 4, the words "every authorised site shall be . . .";

(e) by revoking regulation 5;

(f) by revoking regulation 6 and replacing it as follows:—

"Form and mode of application for permit

6. (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 A. First Schedule

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

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

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

(3) A copy of the application referred to in paragraph (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.”;

(g) by revoking paragraph (3) of regulation 8 and replacing it as follows:—

Form B

“ (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.”;

(h) by revoking regulation 9(2) and replacing it as follows:—

“ (2) Any person who contravenes any of the provisions of paragraph (1) is guilty of an offence and liable on summary conviction to a fine of one thousand dollars or to imprisonment for six months or to both such fine and imprisonment.”;

(i) by revoking regulation 10 and replacing it as follows:—

“Medical
certificates
required
before
cremation
Form C.
First
Schedule

10. (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 paragraph (2) and a certificate has been given by him in accordance with Form E in the First Schedule; and

Form E.
First
Schedule

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(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 Ordinance.

(2) a post-mortem examination shall be performed by a medical officer requested so to do 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.”;

(j) by revoking regulation 11 and replacing it as follows:—

“Disposal
of ashes

11. (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—

- (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 paragraph (1), a local authority shall consult the member of the Cabinet 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 paragraph (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 guilty of an offence and liable on summary conviction to a fine of one thousand dollars or to imprisonment for six months or to both such fine and imprisonment.

(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.";

(k) by revoking paragraph (b) of regulation 12(1) and replacing it as follows:—

"(b) the cremation is conducted by the holder of the permit.";

(l) by revoking regulation 12(2) and (3) and replacing it as follows—

" (2) The Minister may by Notice published in the *Gazette* 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 Notice published in the *Gazette* at any time declare that a site is no longer an authorised site.";

(m) by revoking regulation 13 and replacing it as follows—

"Duty of person to whom permit has been issued

13. (1) A person to whom a permit has been issued pursuant to regulation 8 shall—

- (a) act in accordance with the provisions of the Ordinance 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 8, if the holder thereof fails to comply with any of the requirements of paragraph (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 8 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 12(2) or the cremation of human remains.

(4) A person who contravenes the provisions of paragraphs (1) and (3) is guilty of an offence and liable on summary conviction to a fine of one thousand dollars or to imprisonment for six months or to both such fine and imprisonment.”;

(n) by revoking regulation 14 and replacing it as follows—

“Duties of holders of permit

Form D
First
Schedule

14. 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.”;

(o) by revoking regulation 15 and replacing it as follows—

“Permits etc. to be kept at Police Divisional Headquarters

15. Subject to regulation 20(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 Ordinance or these Regulations.”;

(p) by revoking regulation 19;

(q) by revoking regulation 20 and replacing it as follows—

“Applications, etc. open to inspection

20. (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.

(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.”;

- (r) by revoking regulation 21;
- (s) by revoking regulation 29;
- (t) by deleting the words 'and statutory declaration' occurring in regulation 30;
- (u) by revoking regulation 32(2) and replacing it as follows—

“(2) Any person who contravenes the provisions of this regulation is guilty of an offence and liable on summary conviction to a fine of one thousand dollars or to imprisonment for six months or to both such fine and imprisonment.”;

- (v) by revoking regulation 33 and replacing it as follows—

“Medical
certificates
required
before
cremation
Form C
First
Schedule

33. (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 paragraph (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 Ordinance.

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(2) A post-mortem examination shall be performed by a medical officer requested so to do 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.”;
- (w) by deleting the words “of two hundred dollars or to imprisonment for six months” occurring in regulation 34(3) and substituting therefor the words “of one thousand dollars or to imprisonment for six months or to both such fine and imprisonment.”;
- (x) by revoking regulation 35;
- (y) by revoking regulation 36;
- (z) by deleting the words “Statutory declaration” occurring in regulation 41;
- (aa) by substituting for the words “two hundred and fifty dollars” occurring in regulation 45, the words “one thousand dollars.”;
- (bb) by substituting for the word “Schedule” the words “First Schedule”;
- (cc) by revoking “Forms A to J” occurring in the First Schedule as substituted and replacing them by “Forms A to E”;
- (dd) by adding the Second Schedule immediately after the First Schedule.

FIRST SCHEDULE

FORM 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 16 of the deceased and any other relative usually residing with the deceased.

- 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?

- 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

Cremation (Amendment) Regulations, 1977

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 Ordinance.

Signature of Medical Officer

Address

Qualifications

Date.....

FORM D

(Regulation 14)

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, 1970 *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 197 .

Police Officer

*Delete whichever is not applicable.

FORM E

[Regulations 10(c) and 33(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 the.....division I made a post-mortem examination of the remains of (state name of division)

..... (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.

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.

Dated this 27th day of April, 1977.

K. BOSWELL-INNISS Secretary to Cabinet

Laid in the House of Representatives this 29th day of April, 1977.

J. E. CARTER Clerk of the House

Laid in the Senate this 3rd day of May, 1977.

R. L. GRIFFITH Clerk of the Senate