

THE CREMATION ACT

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THE CREMATION ACT

Cap. 82.
Act
42 of 1969
3rd Sch.

[15th December, 1951.]

1. This Act may be cited as the Cremation Act. Short title.
2. In this Act— Interpreta-
tion.
- “crematorium” means any building fitted with appliances for the purpose of burning human remains and shall include everything incidental or ancillary thereto;
- “local authority” means—
- (a) in relation to the Corporate Area as defined in the Kingston and St. Andrew Corporation Act, the Council of the Kingston and St. Andrew Corporation; and
- (b) in relation to the parishes not within the Corporate Area, the Parish Councils of such parishes within their respective parishes;
- “prescribed” means prescribed by regulations under section 8.
3. No person shall construct or operate a crematorium except under and in accordance with a licence in that behalf issued by the local authority of the area in which such crematorium is to be constructed or operated. Restrictions
on construc-
tion and
operation of
crematoria.
4. The grant of a licence for the construction or operation of a crematorium shall be in the absolute discretion of the local authority who may grant or withhold such licence as they think most conducive to the public good and no appeal shall lie from their decision. Grant of
licences.

Plans and
site of
crema-
torium.

5. No crematorium shall be constructed—

- (a) except upon a site and in accordance with plans approved by the local authority of the area;
- (b) nearer to any dwelling-house than two hundred yards except with the consent in writing of the owner, lessee or occupier of such house;
- (c) within fifty yards of any public thoroughfare;
- (d) in the consecrated part of the burial ground of any public cemetery.

Restrictions
upon
cremation of
human
remains.

6.—(1) No human remains shall be burned unless an order for the cremation of such remains has been obtained from the coroner or an officer of the Constabulary of the parish in which the deceased person died.

(2) Upon application for an order under subsection (1) the coroner or officer of the Constabulary, if satisfied after investigation that the circumstances of the death of the deceased person are not such as to require the making of a *post mortem* examination under the Coroners Act, may make and deliver to the person causing the remains to be cremated an order in the prescribed form for the cremation thereof.

(3) Where a *post mortem* examination has been made of the body of a deceased person under the Coroners Act the coroner may, if he is satisfied that it is expedient to do so, deliver to any person applying therefor an order for the cremation of such remains.

(4) Any person who knowingly carries out or procures or takes part in the burning of any human remains in contravention of the provisions of subsection (1) shall be guilty of an offence against this Act and on summary conviction before a Resident Magistrate shall be liable to a fine not exceeding one thousand dollars and in default of payment to imprisonment with or without hard labour for a term not exceeding twelve months.

7.—(1) Any coroner or officer of Constabulary who has made an order for cremation under section 6 shall, within forty-eight hours, in writing, notify the Registrar of births and deaths for the district within which the death of the deceased person took place that such order has been made.

Notices to Registrar of births and deaths.

(2) The person effecting the cremation of the remains of a deceased person shall within ninety-six hours of such cremation notify such Registrar of the date and place of the cremation.

8. The Minister may make regulations generally for the better carrying out of the provisions of this Act and in particular but without prejudice to the generality of the foregoing power may make regulations—

Regulations.

- (a) as to the construction, situation, maintenance and inspection of crematoria;
- (b) prescribing the conditions under which the burning of human remains may be carried out and prohibiting the burning of human remains except in accordance with such conditions;
- (c) regulating the manner in which the ashes may be interred or otherwise disposed of;
- (d) prescribing the notices, certificates and declarations to be made or given before any human remains may be burned as aforesaid.

9.—(1) Any person who, with intent to conceal the commission or impede the prosecution of any offence, carries out or procures or attempts to procure the cremation of any human remains, or, with such intent, makes any declarations or gives any certificate under this Act, or any regulations made thereunder, shall be liable on conviction on indictment to imprisonment with or without hard labour for a term not exceeding five years.

Penalties.

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(2) Any person who wilfully makes any false representation, or signs or utters any false certificate under this Act or any regulations made thereunder, with a view to procuring the burning of any human remains, shall be guilty of an offence against this Act and on summary conviction before a Resident Magistrate (in addition to any penalty or liability which he may otherwise incur) be liable to imprisonment, with or without hard labour, for a term not exceeding twelve months.

(3) Any person who wilfully contravenes any of the provisions of this Act for which no special penalty is provided shall be guilty of an offence and on summary conviction before a Resident Magistrate shall be liable to a penalty not exceeding one hundred dollars and in default of payment to imprisonment with or without hard labour for a term not exceeding six months.

(4) Any person who acts in contravention of or fails to comply with any regulations made under section 8 shall be liable on summary conviction before a Resident Magistrate to a penalty not exceeding one hundred dollars and in default of payment to imprisonment with or without hard labour for a term not exceeding three months.

Fees.

10. Such charge may be made for the burning of human remains in any crematorium as may be prescribed and such charge 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.

Saving of coroners.

11. Nothing in this Act shall interfere with the jurisdiction of any coroner under the Coroners Act.

Nuisances.

12. Nothing in this Act shall authorize the person maintaining or operating a crematorium or any person to create or permit a nuisance.