

THE BURIAL WITHIN TOWNS' LIMITS ACT

ARRANGEMENT OF SECTIONS

1. Short title.
2. Sections 114 and 115 of Parish Councils Act incorporated.
3. Burials in towns other than in recognized burial places prohibited.
4. Penalty for offences against previous section.
5. Depth of graves.
6. Powers of inspection by Local Board of Health.
7. Obstructing Medical Officer (Health), etc.
8. No new burial places to be opened without licence.
9. Penalties for offences against previous section.
10. Discontinuance of burials in specified towns or burial grounds.
11. Modification of orders for discontinuance.
12. Notices before orders for discontinuance, etc.
13. Publication of orders, etc.
14. Burials in contravention of order and without special permission,  
misdemeanour.  
Punishment.
15. Penalties, how enforceable.
16. Remedies for nuisances not affected.

## THE BURIAL WITHIN TOWNS' LIMITS ACT

Cap. 49.

[12th March, 1875.]

1. This Act may be cited as the Burial within Towns' Limits Act. Short title.
2. Sections 114 and 115 of the Parish Councils Act, which deal with the power of Parish Councils to define the limits of towns or villages within their parishes, are incorporated with and form part of this Act. Sections 114 and 115 of Parish Councils Act incorporated.
3. It shall not be lawful to bury a dead body within the limits of any town or village, which may have been defined for the purposes of this Act, in any ground or place not being a parish burial ground, or a vault in a church, chapel, or place of worship wherein burials may lawfully be made, or a burial ground belonging to any such church, chapel or place of worship, or ground habitually used as a place of burial by the members of any sect or congregation, without licence from the Local Board of Health, or without such precautions as such Local Board of Health may prescribe as the condition of the licence. Burials in towns other than in recognized burial places prohibited.
4. Every person who, in contravention of the provisions of this Act, shall knowingly and wilfully bury any body, or in anywise act or assist in the burial of any body in any ground or place in which burials are by this Act prohibited, or who shall neglect to observe the precautions prescribed as the condition of the licence for the burial of any body, shall, on conviction before a court of summary jurisdiction, forfeit and pay for every such offence a sum not exceeding twenty dollars. Penalty for offences against previous section.

Depth of  
graves.

5. No coffin containing a corpse shall, within the limits of any town or village which may have been defined for the purposes of this Act, be buried in any grave, not being a vault or catacomb, without at least forty-two inches of soil between the ordinary surface of such burial ground and the upper side of the coffin; and if the person having the preparation or the immediate charge of the preparation of the grave to receive such coffin, permit the coffin to be buried in such grave, or if the person having the control of the burial ground knowingly permit any coffin to be buried in any grave in which there is not left, after the burial thereof forty-two inches at the least of soil, measuring from the ordinary surface of such burial ground to the upper side of the coffin, the person having the immediate charge of the preparation of the grave, and the person having the control of the burial ground in which such burial is made, shall, for every such offence, be liable to a penalty not exceeding twenty dollars.

Powers of  
inspection  
by Local  
Board of  
Health.

6. The Local Board of Health may, for the purposes of this Act, empower any Medical Officer (Health) or Inspector of Nuisances to enter at all reasonable hours in the daytime upon any buildings or lands within their respective districts for the purposes of inspection; and no such Local Board, nor any such officer or inspector so empowered, shall be liable to any legal proceedings on account of any such entry:

Provided that no such entry upon any private property shall be made unless with the consent of the occupier until after the expiration of twelve hours' notice for that purpose given to the occupier.

Obstruct-  
ing Medical  
Officer  
(Health), etc.

7. Every person who shall obstruct any Medical Officer (Health) or other person in the performance of any thing which he may be empowered to do under the provisions of this Act, shall, for every such offence, be liable to a penalty not exceeding twenty dollars.

8. No grounds or places within the limits for the time being, so defined as aforesaid, of any town or village of this Island, not already opened or used as burial grounds or place of burial, shall be so opened or used without a licence from the Local Board of Health.

No new burial places to be opened without licence.

9. Every person opening or using, or assisting in the opening of any fresh or new burial ground or place of burial contrary to this Act, shall be guilty of a misdemeanour, and, on conviction, shall be liable to imprisonment, or fine, or both.

Penalties for offences against previous section.

10. The Minister may from time to time, order that, after a time to be mentioned in the order, burials within the limits of any one or more of the towns or villages of this Island, specified in such order, or in any particular burial grounds or places of burial, shall be discontinued wholly, or subject to any exceptions or qualifications mentioned in such order, and so from time to time as circumstances may require.

Discontinuance of burials in specified towns or burial grounds.

11. Every such order may at any time be rescinded, altered, or modified as the Minister may think proper; and notwithstanding any such order it shall be lawful for the Minister in any special cases to permit particular burials to take place within any prohibited limits.

Modification of orders for discontinuance.

12. Before any such order, or any rescission, alteration, or modification of any order shall be so made as aforesaid, notice of the intention to take into consideration the subject of discontinuing burials in the particular towns or villages to be affected, and of the time when the same will be taken into consideration, shall be published in the *Gazette* at least one month before the time fixed for taking the same into consideration, and each such notice shall contain a statement of the substance of the order intended to be submitted for consideration.

Notices before orders for discontinuance, etc.

Publica-  
tion of  
orders, etc.

13. Every such order, and every rescission, alteration, and modification of any such order, shall be published in the *Gazette*, and shall not come into effect until after the expiration of at least one month after such publication thereof.

Burials in  
contra-  
vention of  
order and  
without  
special  
permission,  
misde-  
meanour.

14. It shall not be lawful, after the time mentioned in any such order and after such publication of the said order for the period prescribed, to bury the dead in any church, chapel, churchyard, or burial place, or elsewhere, within the limits to which such order shall extend, or in the burial grounds or places of burial, as the case may be, in which burials shall by such order have been ordered to be discontinued, except as in such order, or any alteration or modification thereof excepted, or as specially permitted under the provisions of this Act. And every person who shall, after such time and period as aforesaid, bury any body, or in anywise act or assist in the burial of any body contrary to this enactment, shall be guilty of a misdemeanour, and punishable, on conviction, by fine, or imprisonment, or both.

Punish-  
ment.

Penalties,  
how  
enforceable.

15. All penalties imposed by this Act, shall be recovered summarily, and, in default of payment forthwith, or within such time as the court may allow, such court may commit the offender to prison for a term not exceeding six months.

Remedies  
for  
nuisances  
not  
affected.

16. Nothing herein contained shall affect any remedy at Law or in Equity, or any civil or criminal liability for a nuisance:

Provided that no person, who shall be indicted and punished for any act hereby made punishable on summary conviction, or who shall be punished summarily for an offence under the provisions of this Act, shall be liable to be twice punished for the same offence.