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CHAPTER 101

BURIALS

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BURIALS

To regulate interments in Port Vila and Luganville.

1. Interpretation

(1) In this Act the following expression shall have the meanings respectively assigned to them –

"cemetery" means a cemetery owned and maintained by the municipalities of Port Vila or Luganville;

"graves" mean separate graves and "common graves" mean trenches used for the purpose of communal interment;

"leaded coffin" means a coffin comprising a sheet of zinc, lead or any other metal, sealed, but including a gas outlet and placed inside a second coffin of wood;

"medical practitioner" means a medical practitioner licensed pursuant to the Health Practitioners Act, Cap. 164;

"permit to inter" means a permit granted under the provisions of section 3.

(2) The expression "grantee" shall include his heirs and assigns.

2. Declarations of death

(1) Where any person witnesses a death or discovers any body of a deceased person he shall within 24 hours inform a person authorised under the provisions of section 3 to grant permits to inter.

(2) The said person shall immediately upon receipt of the said information if the informant is not a medical practitioner or has not produced to him a medical certificate in the form prescribed in Schedule 1 require a medical practitioner to ascertain the cause of death, and such medical practitioner shall, upon ascertainment thereof, issue such certificate.

3. Permits to inter

(1) Permits to inter shall be granted by the mayor of the municipality in which the death has taken place, or his authorised representative.

(2) Without prejudice to the provisions of subsection (1) the Minister responsible for health may authorise such other persons as he deems fit to grant permits to inter.

(3) Any such permit shall be in the form prescribed in Schedule 2 and may contain such conditions as the person granting it deems fit.

4. Prohibition of interment

(1) No person shall inter or permit to be interred any body of a deceased person within the town limits of Port Vila or Luganville –

(a) otherwise than in a cemetery; and

(b) without having been granted permit to inter containing such conditions (if any) as may be prescribed under the provisions of section 3(3).

(2) Notwithstanding the provisions of paragraph (a) of subsection (1), a person authorised to grant permits to inter under the provisions of section 3 may, if he is satisfied that it is desirable so to do, grant a permit to inter in respect of a place other than a cemetery, or may authorise the cremation of the body of the deceased person:

Provided that such person shall, before authorising a cremation, receive a second death certificate in the form prescribed in Schedule 1 from a medical practitioner who shall have examined the body of the deceased person separately from the medical practitioner who issued the first death certificate.

5. Transport of bodies

It shall be an offence for any person to transport or cause or permit to be transported the body of any deceased person from Port Vila or Luganville to any other place in circumstances where the interment of such body would take place more than 24 hours from the time of death unless such body is transported in a leaded coffin.

6. Dimensions and placing of graves

(1) Every grave shall be not less than 80 centimetres in width, 2 metres in length and 1.50 metres in depth:

Provided that in the case of the interment of a child under the age of 6 months, the grave shall be not less than 1 metre in length.

(2) Common graves shall be not less than 2 metres in length and 1.50 metres in depth and within such graves or trenches coffins shall be placed not less than 40 centimetres from one another.

(3) No grave shall be less than 75 centimetres at the sides or at the head and foot from any other grave.

(4) Every grave shall after interment has taken place be filled with well pressed earth.

7. Grant of concessions

(1) The mayor of the municipality in which the cemetery is situated may, on the application of private individuals or families, grant a concession of land in a cemetery for the purpose of the establishment of private graves.

(2) Notwithstanding the provisions of subsection (1) the mayor may grant free of charge perpetual concessions 2.50 metres (side) by 1.50 metres (frontage) in extent –

(a) to legally constituted associations of ex-servicemen who may make application therefor in the name of those of their members whose status as ex-servicemen has been established in accordance with their rules; and

(b) such other persons as, by reason of their or their family's longstanding residence in Vanuatu the municipal council may authorise.

(3) The cost of the maintenance of such concessions shall be borne by the grantee.

8. Graves where no concession is obtained

(1) Where a person is or his personal representatives are unable or unwilling to purchase a concession in a cemetery the body of the deceased person may be interred in a grave in a cemetery and shall be permitted to lie undisturbed therein for a period of not less than 5 years:

Provided that after a period of 1 year from the date of interment thereof the personal representatives of the deceased may be authorised to have the body removed by the appropriate municipal department after payment of the fees prescribed by the council. The body may however be removed within the period of 1 year if it is placed in a leaded coffin.

(2) The cost of the maintenance of such graves shall be borne by the municipality within which they are situated.

9. Termination of use of cemetery

Where the use of a cemetery is terminated the grantees of concessions in such cemetery shall be entitled to the grant of land in any new cemetery opened by the municipality, such further grant shall be made in the manner provided for in section 7 and shall be equal in extent to and upon the same terms as the original grant.

10. Successive interments

Successive interments in the same grave shall not be made within periods of less than 5 years:

Provided that such interments may be made if either:

(a) the second subsequent interment is at not less a depth than that prescribed in section 6(1); or

(b) the interments take place in a vault complying with the provisions of section 13.

11. Renewal of concession

Thirty-year or 10-year concessions may be renewed at the conclusion of each 30 or 10-year period, as the case may be.

12. Failure to renew

(1) In the event of the non-payment of the said fee the land comprised in the said concession shall, after the expiry of 18 months from the date upon which the said payment was due, revert to the municipality:

Provided that during the said period of 2 years the grantee may exercise his right of renewal in accordance with the provisions of section 11.

(2) If no right of renewal is exercised under the provisions of this section the mayor of the municipality in which the cemetery is situated shall by notice in writing require the grantee to remove within the period prescribed in the said notice from the land in respect of which the concession was granted anything constructed on the said land.

(3) If within the period so prescribed the removal of the constructions therein required to be removed is not effected the said construction shall become the property of the municipality.

13. Vaults

(1) Where a perpetual concession has been granted under the provisions of section 7 the grantee may erect or cause to be erected a vault.

(2) Where a vault has been erected under the provisions of subsection (1) successive interments may be made –

(a) in the case of a family vault, of members of the family; and

(b) in the case of a vault erected on a concession granted to an association of ex-servicemen under the provisions of section 7(2), of members of the association:

Provided always that only bodies which have been placed in leaded coffins may be interred in such vault.

(3) No arch of any vault erected under the provisions of subsection (1) shall rise at its highest point within 10 centimetres of ground level and the opening thereof shall be formed by a solidly fastened stone slab.

14. Tombstones

(1) No tombstone shall be erected in a cemetery other than upon a concession granted in accordance with section 7.

(2) Notwithstanding that such a concession shall have been granted no tombstones shall be erected thereon without the approval of the town planning committee of the appropriate municipality who shall be supplied with a plan and details of the proposed tombstone, showing design and the inscription to be placed thereon:

Provided that where no concession has been granted a mark or memorial of an impermanent character only may be installed.

15. Municipality to carry out works

(1) Any interment, disinterment, opening of graves, grant or renewal of a concession and all works necessary for such operations to be carried out shall fall within the exclusive competence of the mayor and the municipal undertaker's department and fees shall be charged therefor which shall be prescribed by municipal by-law.

(2) The mayor may in appropriate cases grant a partial or total exemption from such fees.

16. Penalties

Any person who acts in contravention of the provisions of this Act shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding VT 20,000.

SCHEDULE 1

(section 2(2))

CERTIFICATE OF DEATH

No.	Date of Death and where it occurred	Name and Occupation of deceased	Names of parents	Sex and place and date of birth (if known)	AGE	Address	Cause of death

(Signed) .....
(Medical Practitioner)

SCHEDULE 2

(section 3(3))

PERMIT TO INTER

Burials Act

I, ..., having been authorised in that behalf under section 3 of the Burials Act and ..... *(name of informant)* having reported the death of ..... and ..... having produced a Certificate of Death hereby authorise the burial of the said ..... in the ..... cemetery on concession (if any) ..... at ..... on the ..... day of ..... subject to the following conditions (if any):

.....
(Signature)

at ..... on the ..... day of .....