

# CHAPTER 11.10 CASTRIES CEMETERY ACT

## Revised Edition

Showing the law as at 31 December 2022

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Act.

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• Act • Subsidiary Legislation •

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## ACT

**(Acts 10 of 1899 and 5 of 1933)**

Act 10 of 1899 .. in force 14 July 1899

Amended by Act 5 of 1933

## ARRANGEMENT OF SECTIONS

1. Short title
2. Interpretation
3. Area of Cemetery
4. Corporation to pay half of expenses
5. Payment by Castries Corporation of interest and sinking fund
6. Corporation to have management and control of Cemetery
7. Authority to Corporation to appoint officers
8. Authority to Corporation to make by-laws
9. Corporation to allot certain portions of Cemetery to different Religious Denominations
10. Penalty for violating any rule made under this Act
11. Penalty for hindering any officer or servant of the Corporation
12. Cemetery to be the only place of burial for persons dying within limits of City
13. Recovery of cost of burial of person buried at public expense
14. Penalty for burying body elsewhere than in this Cemetery
15. Power to Governor General to dissolve Corporation in certain cases
16. Recovery of penalties

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## CHAPTER 11.10 CASTRIES CEMETERY ACT

AN ACT relating to the Castries Cemetery.

Commencement [14 July 1899]

### 1. Short title

This Act may be cited as the Castries Cemetery Act.

### 2. Interpretation

In this Act—

“**Corporation**” means the Castries Corporation;

**"Cemetery"** means the public cemetery for Castries and the land on which the said cemetery is to be established, vested by this Act in the Castries Corporation, and any other land which may hereafter be vested in the said Corporation for the purposes of a public cemetery;

**"pauper"** means any person whose body is required to be buried by an order of the chairperson or of any member of the Poor Law Committee of the First District or any person who has died in any gaol, hospital or charitable institution of Castries.

### **3. Area of Cemetery**

The following parcels of land are hereby vested in the Castries Corporation, for the purposes of a public cemetery for Castries, and not otherwise, namely—

1. All that portion of the Queen's Chain along Choc Bay in the Quarter of Castries, bounded North-west by the Sea, North-east by the prolongation of the North-eastern boundary of certain lands lately occupied by one Willie Deligny, bearing 153 degrees 26 minutes, South-east by the said lands, and South-west by the prolongation of the South-western boundary of the said lands by the Sea, bearing 311 degrees 21 minutes, the whole containing 2 acres and 31 perches;

2. All that parcel of land, situated in the Quarter of Castries and consisting of four acres 2 roods and 22 perches, more or less, and bounded North by the Queen's Chain along Choc Bay, South and East by lands known as Vide Bouteille, and West by lands belonging to the Heirs of Joseph Langellier; and

3. All that portion of the Queen's Chain along Choc Bay in the Quarter of Castries, bounded North-west by the sea, North-east by the portion of the Queen's Chain described in paragraph one of this section bearing 311 degrees 21 minutes, South-east by lands belonging to the Heirs of Joseph Langellier, and South-west by the road to Choc Bay, the whole containing 3 acres and 2 roods.

### **4. Corporation to pay half of expenses**

(1) One-half of the costs of survey in respect of the portions and parcels of land mentioned in section 3 and of the cost of the acquisition of the parcel of land described in section 3(2) and of all incidental expenses shall be paid by the Corporation to the Government in the manner provided in the following section, and the other half shall be contributed by Saint Lucia from general revenue to the cost of the Cemetery.

(2) In consideration of such contribution there shall be reserved to Saint Lucia for the burial of paupers from outside the limits of the City, one quarter of the area of the Cemetery.

### **5. Payment by Castries Corporation of interest and sinking fund**

The sums necessary to extinguish in 40 years the amount with interest payable under section 4 shall, and whenever the same may be required, be paid by the Castries Corporation into the Treasury. However, the interest charged shall not exceed the interest which may be payable in respect of any loan raised by Saint Lucia, on the security of the general revenue, wholly or partly, to cover the cost of the Cemetery, and shall not in any case exceed 4% per year.

### **6. Corporation to have management and control of Cemetery**

The Corporation has the sole and exclusive management and control of the Cemetery including the portion reserved and shall defray all the expenses of the maintenance.

### **7. Authority to Corporation to appoint officers**

(1) It is lawful for the Corporation to appoint such officers and servants, as the Corporation may consider proper, for the purposes of the Cemetery.

(2) Every such officer or servant shall hold office during the pleasure of the Corporation.

(3) Every such officer or servant shall receive such salary or remuneration and shall perform such duties as may be assigned to him or her by the Corporation.

## **8. Authority to Corporation to make by-laws**

It is lawful for the Corporation to make by-laws—

- (a) for the inclusive use and custody of the Cemetery;
- (b) for the keeping of registers, the interment of bodies; and for the government generally of the Cemetery; and
- (c) for regulating the fees payable on interments within the cemetery and on the erection of monuments and enclosures thereof provided that as regards the interment of paupers the fees payable by Saint Lucia shall be such sum as the Corporation and the Governor General agree to be the sum payable for the interment of paupers.<sup>1</sup>

## **9. Corporation to allot certain portions of cemetery to different Religious Denominations**

It is lawful for the Corporation to allot certain portions of the Cemetery in such manner as to the Corporation may seem fit, for the burial of the members of any particular religious denomination and each such allotment shall as the case may require, be consecrated according to the rites and by the proper ministers of the respective denominations for which each such allotment is so set apart.

## **10. Penalty for violating any rule made under this Act**

A person who violates or, being bound thereby, fails to comply with any rule or regulation or order made by virtue of this Act, on being convicted thereof, is liable to a penalty not exceeding \$24, and in default of payment to imprisonment for any term not exceeding one month.

## **11. Penalty for hindering any officer or servant of the Corporation**

Every person who hinders, molests or interferes with any officer or servant of the Corporation or other person acting under the authority of this Act or of any rule or regulation or order made by virtue of this Act, on conviction, is liable for every such offence to a penalty not exceeding \$96 and in default of payment to imprisonment for any term not exceeding 2 months.

## **12. Cemetery to be the only place of burial for persons dying within limits of city**

The Cemetery shall, except as hereinafter provided, be the only place of burial for persons who die or whose body shall be brought within the limits of the City of Castries as at present defined or as may hereafter be defined by law or within 2 miles of it. However, it is lawful for the bodies of any such persons to be buried in any cemetery which has not been closed by order of the Governor General.

## **13. Recovery of cost of burial of person buried at public expense**

If any person whose body is interred at the public expense is found to have died possessed of any means it is lawful for the Director of Finance and Planning to recover the cost of his or her burial from the estate of such person.

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<sup>1</sup> **Editor's note:** By Gazette notice 267/1989 burial fees increased with effect from 15 January 1988.

#### **14. Penalty for burying body elsewhere than in this cemetery**

A person who shall, except as hereinafter provided, bury or assist in burying the body of any person dying within the limits of the City of Castries or within 2 miles of it elsewhere than in the Cemetery established by virtue of this Act, on conviction, is liable to a penalty not exceeding \$24, and in default of payment to imprisonment, with or without hard labour, for any period not exceeding 2 months.

However, the Governor General may at any time sanction the re-opening of any vault, tomb or burial place in any existing cemetery on an application in writing for that purpose by any member of the family of or any person interested in the deceased.

In addition, any existing cemetery may continue to be used as a place of burial until closed by order of the Governor General under section 18 of the Cemeteries Act.

#### **15. Power to Governor General to dissolve Corporation in certain cases**

If the Corporation in the judgment of the Governor General persistently defaults in the performance of the duties imposed upon them by this Act or exceed or abuse their powers hereunder, it is lawful for the Governor General by an order published in the Gazette to dissolve such Corporation; and in case of dissolution the General has all the powers and the same consequences shall follow as are provided by section 68 of the Castries Corporation Act, 1967.

#### **16. Recovery of penalties**

All penalties imposed by this Act may be sued for and recovered in the name and at the instance of the Town Clerk of Castries by the said Town Clerk or by any police officer and when recovered shall be paid into the Treasury for the use of the Corporation.

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### **CHAPTER 11.10 CASTRIES CEMETERY ACT**

#### **SUBSIDIARY LEGISLATION**

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##### *List of Subsidiary Legislation*

1. Castries Cemetery By-Law
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#### **Castries Cemetery By-Law**

**(Gazette 2 March 1900, S.I. 2/1926, and 17/1950)**

*Gazette 2 March 1900*  
Amended by S.I. 2/1926, 17/1950

#### **ARRANGEMENT OF REGULATIONS**

1. Citation
2. Definitions
- 3.
- 4.
- 5.
- 6.

- 7.
- 8.
- 9.
- 10.
- 11.
- 12.
- 13.
- 14.
- 15.
- 16.
- 17.
- 18.
- 19.
- 20.
- 21.
- 22.
- 23.
- 24.
- 25.
- 26.
- 27.
- 28.
- 29.
- 30.

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## **CASTRIES CEMETERY BY-LAW**

Commencement [14 July 1899]

### **1. Citation**

This By-Law may be cited as the Castries Cemetery By-Law.

### **2. Definitions**

In this By-Law, unless the context otherwise requires—

**"Director of Finance and Planning"** means the Director of Finance and Planning or any person acting for him or her;

**"constable"** means any police or rural constable;

**"Cemetery"** means the cemetery vested in the Castries Corporation by the Castries Cemetery Act;

**"Cemetery Committee"** means such of their members to whom the Castries Corporation may from time to time delegate their power to control and manage the Cemetery;

**"grave"** means an un-walled excavation in the earth for the interment of a corpse;

**"head constable"** means the head constable of the Town Constabulary or any person acting for him or her;

**"monument"** shall include any tomb, vault, headstone, cross, railing or enclosure erected on any piece of land the fee simple of which shall have been purchased;

**"pauper"** means any person for the interment of whose body application shall be made to the Cemetery Committee in writing by a person duly authorised to make the same under section 2 of the Castries Cemetery Act;

**"Town Clerk"** means the Town Clerk of Castries or any person acting for him or her;

**"vault"** means a walled excavation or chamber of any kind for purposes of interment.

## **GENERAL**

### **3.**

The public cemetery for Castries as described in section 3 of the Castries Cemetery Act shall be known as the Choc Bay Cemetery.

### **4.**

The immediate management and control of the Cemetery shall be by the Cemetery Committee of the Castries Corporation to whom all communications or complaints in connection with the said Cemetery should be addressed through the Town Clerk.

### **5.**

(1) The Corporation shall appoint an officer and shall fix his or her salary to execute the orders of the Cemetery Committee and to be specially charged with the carrying out and enforcement of the regulations for the control and management of the Cemetery.

(2) The officer shall be called the Keeper of the Cemetery.

(3) He or she shall be in attendance thereat daily throughout the year from 7:00 a.m. until 6:00 p.m., or later, if required for purposes of interment, or in the event of the Cemetery Committee giving special permission for burials to take place at other hours, should they think fit.

(4) He or she shall receive and obey all orders from the Cemetery Committee through the Town Clerk or from any person appointed by them for that purpose for the opening of graves.

(5) He or she shall be furnished with a plan or chart of the Cemetery, corresponding exactly with that in the office of the Head Constable, and shall upon receiving instructions from him or her to open a grave see that he or she understands exactly the location of the grave to be opened and give the necessary orders to have the grave dug in the proper place ready for the reception of the body at the time stated for the interment.

(6) He or she shall keep a register into which he or she shall, prior to the arrival of the body at the Cemetery, enter all the particulars required to be transmitted to him or her by the Head Constable, and he or she shall see that every such entry is signed by at least 2 witnesses of the interment.

(7) He or she shall allow free access to all books, plans, papers or property belonging to the Corporation, to all persons authorised by the Cemetery Committee to examine the same, and he or she shall furnish to all or any person or persons who may require them and who may apply to him or her for that purpose certified extracts from the books, and shall be allowed to charge twenty-four cents for each such extract to the person or persons requiring the same, to be paid to him or her for his or her own use.

(8) He or she shall be present at all funerals and shall see that graves are of the required width and depth, that coffins are properly interred, and that graves are efficiently filled up.

(9) He or she is responsible for cleaning and keeping clean and in good order the Cemetery walks and avenues as also the enclosures thereof and shall supervise the planting and maintenance of all trees, shrubs, and plants which the Cemetery Committee may authorise to be planted in the Cemetery.

(10) He or she shall have charge of all buildings and property of every description at the Cemetery whether belonging to or in the custody of the Castries Corporation, and shall be held accountable for any damage to or loss of the same.

(11) He or she shall see that all visitors to the Cemetery comport themselves with decorum and are decently clothed.

(12) He or she shall regulate the movements of hearses, carriages, and funeral processions inside the Cemetery.

(13) He or she shall supervise the work of all labourers employed in any capacity whatsoever at the Cemetery by order of the Cemetery Committee; he or she is responsible for the proper performance of their work, and he or she shall make up pay lists detailing the nature of the work done by each such labourer, the number of days he or she has been employed, and the rate of pay per day to which he or she is entitled, and shall send in such list duly certified to the Town Clerk not later than noon on Friday in each week.

(14) He or she shall generally carry out all instructions which he or she may receive from the Cemetery Committee through the Town Clerk.

## **6.**

(1) All applications for interments in the Cemetery are to be made to the head constable at the Town Constabulary Station, Castries, who, upon the receipt of a fee according to the scale hereinafter provided, shall issue from a consecutively paged or numbered book a receipt for the same, which shall state the amount received, and shall indicate the section of the Cemetery and the number of the grave or vault in respect of which the receipt is granted, as also the hour at which it is intended to present the body at the Cemetery for burial.

(2) The Head Constable shall be furnished with a plan or chart of the Cemetery upon which the grave plots are numbered, and he or she shall, under instructions from the Cemetery Committee, allot such grave plots to applicants, stating on the receipt issued the number and position in the Cemetery of such grave plot. This receipt must be produced to the Keeper of the Cemetery at the time of the presentation of the corpse for interment for purposes of identification.

(3) He or she shall in no case, unless specially instructed to that effect by the Cemetery Committee, allow any applicant to select a grave plot in any part of the Cemetery.

(4) He or she shall at the same time obtain from the applicant and shall inscribe in a book to be kept for that purpose at the Constabulary Station a statement of the name, sex, age, description, birth-place, and date of the death of the person to be interred.

(5) He or she shall immediately after issuing the receipt communicate by telephone all the information contained on the counterfoil of his or her Receipt book, as well as the particulars of the statement furnished under the preceding section to the Keeper of the Cemetery who shall confirm reception of the information by repeating the message.

(6) He or she shall at 2:00 p.m. every day except Sundays and whole holidays pay to the Director of Finance and Planning all monies which he or she may have in his or her possession as payments for graves at the Cemetery and obtain a receipt for the same to the credit of the Cemetery account of the Castries Town Fund.

## **7.**

The Town Clerk every day shall check the Head Constable's Receipt and Cash book with the receipts issued to him or her by the Director of Finance and Planning and shall also examine the Registers of Interments and see that they are properly kept.

**8.**

In the case of Pauper interments the same procedure must be followed as for other interments except that the application for opening a grave shall be in writing to the Cemetery Committee through the Town Clerk and signed by a person legally authorised under section 2 of the Castries Cemetery Act to make the same, and shall state, in addition to the particulars required in respect of other interments, the name of the locality or Public Institution at which the person to be interred was at the time of death. Prepayment shall in such cases not be demanded but a receipt in which no amount shall be stated shall be issued as an acknowledgment of the application, and of the furnishing of the particulars required for purposes of identification.

**9.**

The Town Clerk shall every month send an account vouched by the written applications as aforesaid to the Head of the Department of Government from which such applications emanated and shall see that a fee of \$4 in respect of every pauper buried in terms of such applications is paid to the Director of Finance and Planning and by him or her placed to the credit of the Cemetery account of the Town Fund.

**10.**

Interments in respect of which receipts have been issued by the Head Constable may take place at any time the Cemetery is open, if at least 4 hours elapses between the granting of the receipt and the presentation of the body at the Cemetery for interment.

**11.**

The western side of the Cemetery from the outer gate opposite the road to the Vigie commonly known as "The Straight" to the northern boundary of the Cemetery and of a width in an Easterly direction sufficiently to constitute one quarter of the total area of the Cemetery, shall be the place of burial for paupers dying outside the limits of the City.

**12.**

A grave shall not be less than 6 feet in depth.

**13.**

A grave shall not be cased or lined with any kind of mason work.

**14.**

A person desiring to acquire the ownership of any piece of land in the Cemetery for the purpose of building over a grave, or of forming a family vault, or of erecting an enclosure for a grave or for a certain number of graves, shall in each and every case apply to the Cemetery Committee through the Town Clerk in writing, describing the situation and extent of the land required, and shall accompany the application with a tender of the price of such piece of land according to the scale hereinafter set out, and the Cemetery Committee shall, if they see no objection, grant the applicant the fee simple of such piece of land, and a certificate from the Town Clerk, countersigned by the Chairman of the Corporation, shall be issued to the applicant which shall state, besides the amount received, the situation and the extent of the lot granted, and shall constitute a title for the applicant and his or her successors or assigns to the ownership of the said piece of land in perpetuity.

**15.**

The name of the purchaser shall be entered by the Town Clerk in a book to be kept by him or her for the purpose and shall be inscribed on the plans of the Cemetery kept by the Head Constable and the Keeper of the Cemetery respectively. However, if the

purchaser of such allotment or his or her heirs fails to enclose the same or any part of the same within 5 years from the date of the purchase, the said purchaser, his or her heirs, successors or assigns shall forfeit all right, title and interest in such piece of land or part thereof, and it shall be lawful for the Corporation to resume the occupation of so much of the land purchased as may not have been employed, enclosed, or made use of for purposes of interment, and in the case of the enclosure or monument on any such allotment being allowed to go to ruin and decay, or of the said allotment not being kept clean and free from weeds, the Cemetery Committee shall call upon the purchaser or his or her heirs or assigns to repair in a manner satisfactory to the Committee such ruin or decay or to clean and weed such allotment, and in the event of their failing to do so within 3 months of being so called upon, the Corporation may enter in and have the same repaired or cleaned and the cost occasioned thereby shall be recovered against the purchaser or his or her heirs or assigns, should they be known.

**16.**

A person shall not build or erect any vault, tomb, headstone, monument, cross or railing, in any spot in the Cemetery the ownership of which has not been acquired, except by permission of the Cemetery Committee. Previously to any such monument or enclosure being set up on any spot in the Cemetery of which the ownership has been acquired a statement of the design and material of such monument or enclosure and of the terms of any inscription which it may be intended to affix thereto shall be submitted to the Cemetery Committee, and no work shall be commenced on such monument until the Committee has approved in writing of such design or inscription.

**17.**

A person shall not plant any tree or shrub or sow any seed in any part of the Cemetery of which the ownership has not been acquired and only on a spot so acquired after having obtained the permission of the Cemetery Committee. Nor shall any person deposit any flower vase or any other object whatsoever, excepting wreaths and floral tributes, upon or dig or weed any grave not purchased as aforesaid without the permission of the Keeper.

**18.**

The Keeper of the Cemetery may permit carts to enter the Cemetery during the hours that it shall be officially open for the purpose of conveying materials for erecting or repairing tombs, tablets, railing, or for constructing, opening or repairing vaults, or for the removal of any such materials.

**19.**

A person shall not leave any litter or deposit any filth within the Cemetery nor shall use any stone, sand, or soil thereof for any purpose of construction.

**20.**

The Cemetery Committee may on application from any duly authorised person allow any body buried in the Cemetery to be exhumed and be removed therefrom under such precautions as they think necessary.

**21.**

An owner of a lot in the Cemetery shall not, by him or herself or through any agent, open any vault or tomb, cause to be dug any grave, or to be removed any such vault, tomb, railing, tablet, monument or inscription, without first obtaining the permission of the Cemetery Committee.

**22.**

No live stock of any description shall be allowed to be tethered or to be at large in the Cemetery.

**23.**

Every person who within the Cemetery Ground—

- (a) behaves in a disorderly manner;
- (b) plucks the fruit or flowers;
- (c) injures any trees, shrubs or plants;
- (d) walks over or tampers with any grave not his or her property; or
- (e) in any way injures any grave or any monument, tomb, vault, headstone, cross, or railings,

is liable to the punishment provided for under section 10 of the Castries Cemetery Act.

**24.**

A person found in the Cemetery at any time other than the hours during which it is open to the public commits wilful trespass and is liable to be prosecuted.

**25.**

A grave shall not be re-opened for an interment until the expiration of at least 5 years from the date of the last preceding interment.

**26.**

(1) Every corpse interred in any vault shall be entombed in a single chamber in an air-tight manner, that is, by properly cemented stone, brick, or other mason work.

(2) The chamber shall not be re-opened for purposes of interment until after the expiration of at least 2 years from the date of the last preceding interment in such chamber.

(3) Every application for the re-opening of any such chamber shall be made in writing to the Cemetery Committee through the Town Clerk.

**27.**

The fee for opening a grave at the Cemetery is \$6 and for permission to open a vault for purposes of interment \$0.96.

**28.**

The price to be paid for acquiring the ownership of land at the Cemetery is—

|                                                                            |    |    |
|----------------------------------------------------------------------------|----|----|
|                                                                            | \$ | ¢  |
| To the South of the main avenue per square foot, superficial measure ..... |    | 36 |
| At any other place, per square foot, superficial measure.....              |    | 24 |

**29.**

A quantity of land less than 8 feet by 3 feet will not be sold except for an addition to land already acquired.

## **PROCEDURE**

### **30.**

(1) The procedure under this By-Law where not herein or otherwise already provided is the same as the procedure in force in respect of offences punishable on summary conviction.

(2) It is sufficient to state that an offence is committed in Castries, though the same was actually committed beyond the limits of the City, if the offence was committed within the jurisdiction of the Corporation.

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