

CHAPTER 117

BURIAL AND CREMATION

Ordinances Nos. 4 of 1911, 3 of 1915, 3 of 1921, 2 of 1945, 2 of 1964, 46 of 1969, Act No. 23 of 1974.

AN ACT RELATING TO BURIAL AND CREMATION

[12th July, 1911.]

Short title

1.—This Act may be cited as the Burial and Cremation Act.

Interpretation

2.—In this Act—

“body” or “dead body” include human remains but do not include any part of a living person which has been amputated or otherwise removed by surgery; (*Substituted by 23 of 1974, s. 2.*)

“crematorium” means any building or place fitted with appliances for the purpose of burning human remains and includes everything incidental or ancillary thereto.

Minister may license burial-grounds or crematoria

3.—(1) It shall be lawful for the *Minister by notice in the Gazette to set apart and licence as a public or private burial-ground or crematorium any parcel of land, whether Crown land or private property, which may be required for the purpose of a burial-ground or crematorium. (*Amended by 2 of 1964, s. 2.*)

(2) Private property may be acquired for the purpose or purposes aforesaid in accordance with the provisions of the Acts for the time being regulating the acquisition of land by the Crown for public purposes.

(3) Land so acquired as aforesaid shall, on being set apart and licensed as a public burial-ground or crematorium, vest in Her Majesty the Queen, Her Heirs and Successors, freed and discharged from all estates, interests, charges, rights, encumbrances or titles whatsoever in trust to be devoted to the burial of the dead or to the burning of human remains, or to both purposes, and separated from all other uses.

Burying in unlicensed ground

4.—In any Division in which a public burial-ground has been established under this Act it shall not be lawful to bury the dead in any place not being a licensed burial-ground. Any person who in any such Division buries any body, or in any way acts or assists in the burial of any body, in any place not being a licensed burial-ground shall, for every offence, be liable to a fine not exceeding two hundred dollars. (*Amended by 2 of 1964, s. 3.*)

*Delegated to Commissioners of Divisions by Notice 21st April, 1971.

Site of burial-ground or crematorium

5.—(1) No burial-ground shall be used, and no crematorium shall be constructed, nearer to any dwelling-house than two hundred yards except with the consent—

(a) in the case of a burial ground or crematorium within a city or town, of the Minister;

(b) in the case of the burial-ground or crematorium elsewhere, of the owner, lessee and tenant, if any, of such dwelling-house, signified in writing.

(2) No crematorium shall be constructed within fifty yards of any public highway nor in the consecrated part of any burial-ground.

(Section amended by 2 of 1964, s. 5.)

Appointment of burial authorities

6. The Minister may appoint a person to have the charge and control of all licensed burial-grounds in any area of Fiji and any person so appointed shall be deemed to be the burial authority of that area. (Substituted by 2 of 1964, s. 6.)

Regulations governing burial-grounds, etc.

7.—(1) It shall be lawful for the Minister from time to time to make, alter or rescind regulations governing the general management, regulation and control of burial-grounds and crematoria, whether public or private, or governing the burial or cremation of dead bodies. (Amended by 23 of 1974, s. 3.)

(2) In particular, and without prejudice to the generality of the foregoing, the Minister may make regulations for all or any of the following purposes:—

(a) prescribing the functions, powers and duties of burial authorities;

(b) the inspection of burial-grounds and crematoria and appointment of managers thereof;

(c) prescribing the size of graves or vaults and the intervals between graves or vaults;

(d) determining the fees to be charged in relation to burial-grounds and crematoria, to whom and into what account such fees shall be paid and the keeping and auditing of any books of account maintained in connexion with any burial-ground or crematorium;

(e) registering and the keeping of particulars of bodies brought to burial-grounds or crematoria;

(f) controlling the placing, erection and construction of crematoria, gravestones, memorials, monuments, tablets and vaults;

(g) prescribing the conditions under, and the manner in which the cremation of human remains may take place;

(h) prescribing forms and forms of books or registers.

(Subsection substituted by 2 of 1964, s. 7.)

(3) Such regulations may impose fines for breaches thereof not exceeding one hundred dollars. (Subsection substituted by 2 of 1964, s. 7.)

Offences

8. Any person who—

(a) unlawfully in any burial-ground or crematorium by violent, indecent or disorderly behaviour prevents, interrupts or delays any burial or cremation; or

- (b) buries a body in a burial-ground without obtaining the permission of the manager; or
 - (c) disobeys any lawful order of the manager of the burial-ground or crematorium; or
 - (d) places or plants any gravestone, memorial, monument, railing, tablet, tree or shrub in a burial-ground without obtaining the permission of the manager; or
 - (e) unlawfully dirties, disfigures or disturbs any grave, gravestone, memorial, monument or tablet in a burial-ground; or
 - (f) fails to leave a burial-ground clean and tidy after any burial or after making any alteration or addition to any grave, gravestone, memorial, monument or tablet,
- shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty dollars. (*Substituted by 2 of 1964, s. 8.*)

Unlawful disinterment of dead bodies, etc.

9. Any person who without lawful authority on that behalf disinters, dissects or harms the dead body of any person or, being under a duty to cause the dead body of any person to be buried, fails to perform such duty shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding twelve months. (*Inserted by 46 of 1969, s. 2.*)

Notice of licence

10. Notice of the licensing of any place as a burial-ground or crematorium shall in all cases be published forthwith in the Gazette.

Minister may order discontinuance of burials in burial-ground or cremation in crematorium

11.—(1) In case it shall appear to the Minister that, for the protection of public health, burials in any burial-ground or the burning of human remains in any crematorium should be discontinued, it shall be lawful for the Minister to order that burials shall be discontinued in the burial-ground or the burning of human remains shall be discontinued in the crematorium mentioned in the order from the time mentioned therein:

Provided that notice of the time so mentioned in any order shall be published in the Gazette one month before the order takes effect.

(2) After the expiration of the period mentioned in an order the burial-ground or crematorium therein mentioned shall cease to be a licensed burial-ground or crematorium.

Restriction on burial or cremation of dead bodies, etc.

12.—(1) No person shall bury or cremate, or cause to be buried or cremated any dead body, unless there is delivered to and held by him either—

- (a) a certificate of death or of foetal death in the forms prescribed by the Registrar-General by regulations made under the Births, Deaths and Marriages Registration Act in respect of that body signed by a medical practitioner; or
- (b) an order of a police officer of or above the rank of corporal; or
- (c) an order of a magistrate; or
- (d) an order of a justice of the peace, or other person authorised in that behalf by the Minister by notice in the Gazette:

Provided that—

- (i) for the purpose of this section a still-born child shall be deemed to be and be treated as a dead body;
- (ii) in the case of a still-born child a certificate of foetal death in the prescribed form and signed by a registered midwife or a registered nurse will also meet the requirements of this section.

(2) Every person who buries or cremates and every person who causes to be buried or cremated any dead body or still-born child without holding a certificate or order in accordance with the provisions of the last preceding subsection shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding six months. (*Inserted by 23 of 1974, s. 4.*) (Cap. 49)

Permission to disinter

*13. It shall be lawful for the †Minister, on application made to him, to grant permission, subject to such conditions as he may think fit to impose, to disinter the body of any person buried in Fiji in order that such body may be cremated or reinterred at some other place within or removed from Fiji:

Provided that no such permission shall be granted unless the Minister is satisfied—

- (a) that the applicant is, by reason of kinship, connexion by marriage, or friendship with the deceased, or on any other grounds whatsoever, a fit and proper person to make the application;
- (b) that such disinterment can be effected without danger to the public health; and
- (c) that, having regard to all the circumstances of the case, it is expedient to grant such permission.

Disinterment to be supervised by applicant

*14.—(1) Every such permission shall be granted either to the applicant, if he is able and intends to supervise the disinterment, or to some other person nominated by him who is able and willing to supervise the disinterment.

Permission in writing

(2) Every such permission shall be in writing and shall state the name of the person to whom it is granted and the conditions upon which it is granted, and shall be null and void if the grantee does not personally supervise the disinterment.

Disinterment to include reinterment, removal, etc.

(3) In this section the expression “disinterment” also includes the subsequent conveyance and custody of the body until it is cremated or reinterred within, or removed from, Fiji, or duly received on board a ship in order to be exported from Fiji.

Penalty for breach of conditions by applicant

*15. If any person to whom any such permission has been granted, after the disinterment has been commenced, commits any breach of any of the conditions of

* Sections 13 to 16 inserted by 3 of 1921, s. 36.

† Delegated to Commissioners of Divisions by Notice 11th November, 1965.

conditions of such permission, he shall be liable, on the complaint of the Permanent Secretary for Health or other person authorised in writing by such Permanent Secretary, to imprisonment for any period not exceeding six months or to a fine not exceeding two hundred dollars.

Penalty for breach of agreement by persons employed by applicant

*16. Every person who, having agreed with such grantee to fulfil or assist in fulfilling any of the conditions of any such permission, commits any breach of such agreement so far as it relates to the fulfilling or assisting in the fulfilling of any such condition, shall, unless prior to the commencement of the disinterment he gave notice of his intention not to carry out his agreement to such grantee, be liable, on the complaint of the Permanent Secretary of Health or other person authorised in writing by the Permanent Secretary of Health, to imprisonment for any period not exceeding six months or to a fine not exceeding two hundred dollars:

Provided that no complaint shall be made or authorised by the Permanent Secretary of Health under this section unless, in the opinion of the Permanent Secretary of Health or of the Director of Public Prosecutions, the breach of agreement is such that it is expedient in the public interest that a complaint should be made, but it shall not be necessary in any proceedings consequent on any such complaint for the complainant to prove such opinion.

Fijian burial grounds

17. The provisions of this Act shall not apply to burial-grounds which are under the supervision and control of a provincial council or which may become under the control of a provincial council.

(Inserted by 2 of 1964, s. 9, and amended by 46 of 1969, s. 3.)

Controlled by Ministry of Home Affairs

* Sections 13 to 16 inserted by 3 of 1921, s. 36.

CHAPTER 117

BURIAL AND CREMATION

SECTION 3—CREMATORIUM (VUDA)

Legal Notice No. 9 of 1972

There is set apart and licensed as a public crematorium all that parcel of land known as the Vuda Crematorium being more particularly described as follows:—

All that parcel of land, known as Vuda Crematorium, containing an area of 1 rood 08 perches, situated in the Tikina of Vuda, in the Province of Ba.

The Crematorium is more particularly shown as being Lot 3, ND 4611, kept in the office of the Director of Lands, and copies may be seen at the offices of the Commissioner, Western Division, Lautoka and District Surveyor Western, Lautoka.

SECTION 6—BURIAL AUTHORITIES

(1)

Notice 29 December 1921

The persons from time to time comprising the Central Board of Health shall have the charge and control of all the licensed burial grounds in all Divisions of Fiji.

(2)

Notice 4 February 1932

The police officers mentioned in the first column of the Schedule shall have the charge and control of the licensed burial grounds in the Division specified in the corresponding line of the second column thereof.

SCHEDULE

<i>Police Officer</i>	<i>Cemetery and Division</i>
Superintendent of Police, Nadi.	Nadi, Western Division.
Superintendent of Police, Rewa.	Raralevu and Tabale, Central Division.
Inspector of Police, Levuka.	Levuka, Eastern Division.
Inspector of Police, Nadroga.	Sigatoka, Western Division.
Inspector of Police, Navua.	Navua, Central Division.

(3)

Notice 22 October 1940

The Chief Sanitary Inspector, Suva, shall have the charge and control of the licensed burial-grounds known as Nasinu Cemetery and Kalabo Cemetery situated in the Central Division.

(4)

Notices 16 February 1959, 4 June 1959

The Controller of Prisons shall have the charge and control of the licensed burial-grounds known as—

- (a) Vatuwaqa Cemetery;
- (b) Lautoka Cemetery.

SECTION 7—BURIAL (KALABO AND NASINU) REGULATIONS

TABLE OF PROVISIONS

REGULATION

1. Short title
 2. Application
 3. Size of grave
 4. Arrangement of graves
 5. Register
 6. Separate graves
 7. Where more than one body buried in the same grave
 8. Re-opening of graves
 9. Filling up of graves after burial
 10. Notice of burial to be given
 11. Misconduct in the burial ground
 12. Penalty
- Schedule—Burial Grounds

Regulations 28 February 1916, 16 September 1943

Short title

1. These Regulations may be cited as the Burial (Kalabo and Nasinu) Regulations.

Application

2. These Regulations shall apply to the burial-grounds described in the Schedule.

Size of grave

3. Every grave shall be not less than four and one-half feet deep, and every grave intended for an adult shall be at least seven feet long by two feet broad.

Arrangement of graves

4. All graves shall be numbered, and shall be uniformly laid out in rows, a space of two feet in width between every two adjacent graves being retained.

Register

5. A register of graves shall be kept, in which the name, sex, and age of the persons buried in each grave, and the date of each interment shall be duly registered.

Separate graves

6. One body only shall be buried in any one grave, unless the bodies be those of members of the same family and each body be contained in a separate coffin.

Where more than one body buried in the same grave

7. In cases where it is permissible to bury more than one body in one grave such grave shall be of sufficient depth so as to allow any part of the coffin containing the body to be placed at a depth of not less than four feet below the level of the surface of the ground adjoining the grave. In every case a layer of earth not less than one foot thick shall be left between any two coffins.

Re-opening of graves

8. No grave shall be re-opened without the permission in writing of the health officer of the Division or by virtue of a warrant under the hand of a magistrate.

Filling up of graves after burial

9. Every person who buries a body shall fill up or cause to be filled up with earth immediately after the burial the grave in which such body has been placed; and in so doing shall allow sufficient earth for the natural subsidence of the earth with which the grave has been filled up.

Notice of burial to be given

10. No body shall be interred in any burial-ground unless and until the burial authority or the nearest police officer of or above the rank of inspector, has been notified of the interment.

(Substituted by Regulations 16 September 1943.)

Misconduct in the burial ground

11. A person shall not, in any part of a burial-ground by any violent or indecent behaviour prevent, interrupt, or delay the decent and solemn burial of any body.

Penalty

12. Any person who contravenes any of the provisions of these Regulations shall be liable on conviction to a fine not exceeding \$4 or in default to one month's imprisonment.

SCHEDULE
(Regulation 2)

BURIAL GROUNDS

(1) All that lot of land one acre three roods sixteen perches in extent situated at the sixth milestone on the Suva-Rewa Road and adjoining lot 27 on the Kalabo Indian Settlement.

(2) All that lot of land two and three-quarter acres in extent known as lot 2 on the Wainibuku Indian Settlement near the ninth milestone on the Suva-Rewa Road.

SECTION 7—BURIAL (NARIKOSO) REGULATIONS

TABLE OF PROVISIONS

REGULATION

1. Short title
 2. Appointment of manager
 3. Graves and vaults numbered
 4. Depth of graves
 5. One corpse only in each grave
 6. Graves
 7. Re-opening of graves
 8. Space between coffins
 9. Approval of manager to burial in vault
 10. Manager's consent necessary before interment
 11. Register to be kept
 12. Plan to be kept
 13. Penalty for damage to monuments
 14. Manager or his deputy to be present at all funerals
 15. Certificate of burial
 16. Seizure of trespassing animals
- First Schedule—Allotment for Grave or Vault
Second Schedule—Register of Burials
Third Schedule—Certificate of Burial

Regulations 20 June 1929, Legal Notice No. 112 of 1970

Short title

1. These Regulations may be cited as the Burial (Narikoso) Regulations.

Appointment of manager

2. The burial ground at Narikoso (hereinafter referred to as "the cemetery"), licensed and proclaimed under the Act, as a private burial ground, shall be under the care of a manager to be appointed by the *Minister.

(Amended by Legal Notice 112 of 1970.)

Graves and vaults numbered

3. Places prepared for interment shall be either ordinary graves, not exceeding nine feet by four feet, hereinafter called "graves", or family vaults, hereinafter called "vaults". Every grave and vault shall be distinguished by a separate number, to be recorded in the plan and register of burials hereinafter mentioned.

Depth of graves

4. The manager shall cause all graves to be dug, and each grave shall be dug to a depth of at least five feet with the exception of the graves of children under ten years of age, which need not exceed four feet in depth. Vaults shall be constructed by the owners to the satisfaction of the manager.

One corpse only in each grave

5. One corpse only shall be placed in each grave, save and except in the cases following:—

- (a) in the case of the interment of children under ten years of age more than one corpse may be interred at the same time in one grave provided the top of the uppermost coffin is at least thirty inches below the ground surface;
- (b) more than one member of the same family may be interred at the same time in one grave provided the top of the uppermost coffin is at least thirty inches below the ground surface.

Graves

6. The manager shall have a discretion to authorise or refuse the opening of a grave for the purpose of a second or subsequent interment therein:

Provided that no such second or subsequent interment shall take place without the consent of the owner or of the parties having a present interest in such grave or vault.

Re-opening of graves

7. No grave shall be re-opened for the purpose of burying therein the body of a person until after the expiration of eight years from the date of the burial in such grave of the body of a person whose age at the time of death did not exceed twenty years or until after the expiration of fourteen years from the date of the burial in such grave of the body of a person whose age at the time of death exceeded twenty years.

Space between coffins

8. The space between two coffins (except when buried in a single grave as in regulation 5) at any point shall be at least eighteen inches.

*Delegated to Commissioner of Division (See Legal Notice No. 94 of 1968).

Approval of manager to burial in vault

9. No interment shall be permitted in any vault unless such vault shall have been first approved by the manager as a fit and proper place of interment.

Manager's consent necessary before interment

10. No interment shall take place in the cemetery without the knowledge and consent of the manager, or of the person who for the time being may be acting in his place. A person committing or being accessory to the commission of a breach of this regulation shall, on conviction, be liable to a fine not exceeding \$4. In the allotment of every grave or vault there shall be delivered to the allottee a certificate in the form contained in the First Schedule signed by the manager, in which every grave or vault shall be distinguished by a separate number. A duplicate of every such certificate shall be filed by the manager in book form.

Register to be kept

11. It shall be the duty of the manager to keep a register of burials in the form contained in the Second Schedule, wherein each interment shall be distinguished consecutively by a separate number.

Plan to be kept

12. A plan of the cemetery approved by the Central Board of Health shall be kept by the manager, in which the position and number of every grave and vault and the registered number of every interment in every grave or vault shall be indicated.

Penalty for damage to monuments

13. Any person who shall unlawfully remove, or cause to be removed, or who shall wilfully injure, move, alter, or destroy any monument, tablet, fence, or other memorial or building, except for the purpose of repair or restoration, shall, on conviction, be liable to a fine not exceeding \$4.

Manager or his deputy to be present at all funerals

14. The manager, or some person deputed by him for the purpose, shall be present at all funerals.

Certificate of burial

15. A certificate of burial in the form in the Third Schedule shall be furnished by the officiating minister, or by the manager, as the case may be, in all cases where the Registrar-General shall require him to do so.

Seizure of trespassing animals

16. The manager, or any person authorized by him, shall have power to seize any poundable animal found trespassing in the cemetery, and to impound the same in accordance with the provisions of the Pound Act. (Cap. 165.)

FIRST SCHEDULE
(Regulation 10)

ALLOTMENT FOR GRAVE OR VAULT

No. _____ Dated the _____ day of _____, 19 ____
Land for _____ distinguished in the Cemetery plan by
the above number has this day been allotted to _____
Dimensions of the above allotment: _____
Portion of Cemetery: _____
Price received: _____

Manager.

SECOND SCHEDULE
(Regulation 11)

REGISTER OF BURIALS

No. of interment	No. of grave or vault	Name, sex and age of deceased person	Date and hour of interment	Name of person having charge of burial

THIRD SCHEDULE
(Regulation 15)

CERTIFICATE OF BURIAL

I [*officiating minister or Manager*] of the Cemetery do hereby certify that the
body of _____ on the _____ day of _____
19 _____, was duly buried at _____ in the presence of the undersigned.

Grave number: _____

Witness my hand this _____ day of _____, 19 ____

A.B. }
C.D. } (*Householders*)

(*Signature*)

SECTION 7—BURIAL (NASAVUSAVU CEMETERY) REGULATIONS

TABLE OF PROVISIONS

REGULATION

1. Short title
 2. Application
 3. Application for interment
 4. Time for making application
 5. District officer's consent necessary before interment
 6. Depth of graves
 7. Space between graves
 8. Register of graves
 9. One body only in grave
 10. Space between coffins
 11. Re-opening of graves
 12. Filling up of grave
 13. Fees
 14. Penalty
 15. Recovery of fees and penalties
- First Schedule—Application for Interment
Second Schedule—Scale of Fees to be Paid

Legal Notice No. 71 of 1977

Short title

1. These Regulations may be cited as the Burial (Nasavusavu Cemetery) Regulations.

Application

2. These Regulations shall apply to the public burial ground situated in the district of Nasavusavu set apart and licensed as a public burial ground and crematorium.

Application for interment

3. Application for interment in the cemetery may be made by any relative or friend of a deceased person having the charge of or being responsible for the burial of such deceased person, or by any other person whose duty it may be to provide for such interment. Every such application shall be in the form contained in the First Schedule.

Time for making application

4. Every application for interment shall be lodged with the district officer at least six hours before the interment takes place, and every interment shall be made and completed between the hours of 6 a.m. and 6 p.m.:

Provided that it shall be lawful for the district officer to authorise an interment at any time, either upon a certificate of necessity from a registered medical practitioner, or, in the absence of such practitioner, if he shall be satisfied that owing to the nature of the disease of which the deceased died, a delay would be dangerous to health.

District officer's consent necessary before interment

5. No interment shall take place in the cemetery without the knowledge and consent of the district officer, or the nearest police officer.

Depth of graves

6. Each grave shall be not less than four and one-half feet deep, and every grave intended for an adult shall be at least seven feet long by two feet broad.

Space between graves

7. All graves shall be numbered and shall be uniformly laid out in rows a space of two feet in width between every two adjacent graves being retained.

Register of graves

8. A register of graves shall be kept, in which the name, sex and age of the persons buried in each grave, and the date of each interment shall be duly registered.

One body only in grave

9. One body only shall be buried in any one grave, unless the bodies be those of members of the same family and each body be contained in a separate coffin.

Space between coffins

10. In cases where it is permissible to bury more than one body in one grave, such grave shall be of sufficient depth so as to allow any part of the coffin containing the body to be placed at a depth of not less than four feet below the level of the surface of the ground adjoining the grave. In every case a layer of earth not less than one foot thick shall be left between any two coffins.

Re-opening of graves

11. No grave shall be re-opened for the purpose of burying therein the body of a person until after the expiration of eight years from the date of the burial in such grave of the body of a person whose age at the time of death did not exceed twelve years or until after the expiration of fourteen years from the date of the burial in such grave of the body of a person whose age at the time of death exceeded twelve years.

Filling up of grave

12. Every person who buries a body shall fill up or cause to be filled up with earth immediately after the burial the grave in which such body has been placed; and in so doing shall allow sufficient earth for the natural subsidence of the earth with which the grave has been filled up.

Fees

13. The fees mentioned in the Second Schedule shall be paid to the district officer on lodgement of the application for interment, and all such fees shall be paid by him to the Consolidated Fund. If the fees are not paid on the lodgement of the application double the amount due may be recovered either from the applicant or from any person or persons who shall have been responsible for or who shall have had the charge for interment, unless a satisfactory guarantee had been made to the district officer before interment and the amount due is paid within seven days after interment.

Penalty

14. Any person who contravenes any of the provisions of these Regulations shall be liable to a fine not exceeding \$100 or in default of payment to imprisonment for any term not exceeding three months.

Recovery of fees and penalties

15. All penalties and fees under these Regulations shall be recoverable on the information of the district officer.

FIRST SCHEDULE
(Regulation 3)

APPLICATION FOR INTERMENT

To the District Officer of _____ District.
I have to request interment of the body of
Age:
Sex:
Religious denomination:
Residence at time of decease:
Nationality:
Hour of funeral:

SECOND SCHEDULE
(Regulation 13)

SCALE OF FEES TO BE PAID ON LODGEMENT OF APPLICATION

	\$
For a child under three months or stillborn.....	3-00
Others.....	5-00

SECTION 7—BURIAL (RAIWAQA) REGULATIONS

TABLE OF PROVISIONS

REGULATION

1. Short title
 2. Application
 3. Size of grave
 4. Arrangement of graves
 5. Register
 6. Separate graves
 7. Where more than one body buried in the same grave
 8. Re-opening of graves
 9. Filling up of graves after burial
 10. Notice of burial to be given
 11. Misconduct in the burial ground
 12. Penalty
- Schedule—Burial Ground

Regulations 24 July 1923

Short title

1. These Regulations may be cited as the Burial (Raiwaqa) Regulations.

Application

2. These Regulations shall apply to the burial ground described in the Schedule.

Size of grave

3. Every grave shall be not less than four and one-half feet deep, and every grave intended for an adult shall be at least seven feet long by two feet broad.

Arrangement of graves

4. All graves shall be numbered, and shall be uniformly laid out in rows, a space of two feet in width between every two adjacent graves being retained.

Register

5. A register of graves shall be kept by the manager of the burial ground, in which the name, sex, and age of the persons buried in each grave, and the date of each interment shall be duly registered.

Separate graves

6. One body only shall be buried in any one grave, unless the bodies be those of members of the same family and each body be contained in a separate coffin.

Where more than one body buried in the same grave

7. In cases where it is permissible to bury more than one body in the same grave such grave shall be of sufficient depth to allow every part of the coffin containing the body to be placed at a depth of not less than four feet below the level of the surface of the ground adjoining the grave. In every case a layer of earth not less than one foot thick shall be left between any two coffins.

Re-opening of graves

8. No grave shall be re-opened without the permission in writing of the health officer of the Division or by virtue of a warrant under the hand of a magistrate.

Filling up of graves after burial

9. Every person who buries a body shall fill up or cause to be filled up with earth immediately after the burial the grave in which such body has been placed; and in so doing shall allow sufficient earth for the natural subsidence of the earth with which the grave has been filled up.

Notice of burial to be given

10. No body shall be interred in the burial ground unless and until a district officer or the inspector of police has been notified of the interment intended.

Misconduct in the burial ground

11. A person shall not, in any part of a burial ground by any violent or indecent behaviour prevent, interrupt, or delay the decent and solemn burial of any body.

Penalty

12. Any person who contravenes any of the provisions of these Regulations shall be liable on conviction to a fine not exceeding \$4 or in default to one month's imprisonment.

SCHEDULE
(Regulation 2)

DESCRIPTION OF BURIAL GROUND

Commencing at the south-east corner of Raiwaqa 280 acres (Certificate of Title Book 35, folio 3408), thence by the following bearings and distances, viz., 287° 45', 64 links; 278° 49', 532.9 links; 359° 18', 867.9 links; 90° 08', 268 links; 90° 33', 224.4 links; 180° 44', 213.5 links; 152° 02', 481 links; and 199° 30', 348.2 links to point of commencement.

BOUNDARIES OF THE AREA SERVED BY THE
RAIWAQA CEMETERY, NAVUA

Commencing at the common starting point of the boundaries of the Deuba No. 2 and Nakaulevu freeholds, at high water mark on the right bank of the Deuba River; thence by the north-eastern boundary of Deuba No. 2 freehold to the most northerly corner of the freehold on the main range; thence by the crest of said range to Nativu at the source of the Wainiveisalato creek; and thence by the said creek downwards to the Navua River; thence by the said river downwards to the mouth of the Waiyanitu creek, on its left bank; thence by the said creek upwards to the north-west corner of Waiyanitu freehold and by the said freehold boundary to the Wainikavika creek; thence by the said creek downwards to a point opposite Vunivala on end of ridge within Calia freehold; thence to Vunivala; thence descending to the Toguru River and by the said river downwards to the sea coast; thence by the sea coast in a south-westerly direction to the mouth of the Deuba River and by the right bank of the said river upwards to the point of commencement.

SECTION 7—BURIAL (RARALEVU AND TABALE)
REGULATIONS

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Regulations 9 July 1914, 21 October 1918, 12 December 1958,
Legal Notices Nos. 112 of 1970, 233 of 1974

Short title

1. These Regulations may be cited as the Burial (Raralevu and Tabale) Regulations.

Interpretation

2. In these Regulations the expression "sanitary inspector" means any sanitary inspector appointed by virtue of section 11 of the Public Health Act. (Cap. 111.)

Appointment of a caretaker

3. The cemeteries at Raralevu and Tabale, licensed and proclaimed under the Act as public burial-grounds, shall each be under the care of a caretaker, to be appointed by the *Minister.

(Amended by Legal Notice 112 of 1970.)

Boundaries of the districts served by the cemeteries

4. The boundaries of the districts served by the cemeteries shall be as follows:—

- (a) Raralevu: Commencing at the junction of the Rewa and Wainibokasi Rivers; thence by the latter river to the sea coast near Navuloa; thence by the sea coast northwards to the mouth of the Namata River; thence up that river and the Savu Creek to Namakomako on the Kasavu-Vugalei Road; thence by that road westward to Balabala on the eastern boundary of the Burenitu Mataqali lands block No. 1; thence by the eastern and northern boundaries of that

* Delegated to Commissioners of Divisions (see Legal Notice No. 94 of 1968).

block to the north-east corner of Waidra freehold; thence by the eastern boundary of that freehold in a southerly direction to the Rewa River; thence by that river downwards to the point of commencement.

- (b) Tabale: Commencing at the north-east corner of Waidra freehold; thence in a westerly direction by the northern boundaries of Waidra, Koroqaqa, Wainivau, Naibenubenu, Calia, Wainisasi and Naitasiri freeholds to the main Naduruloulou-Nakini Road crossing on the Wainiqaqa Creek; thence by the said main road in a general southerly direction to the left bank of the Rewa River and by the said river downwards to the south-east corner of Waidra freehold aforesaid; thence by the eastern boundary of Waidra freehold to the point of commencement at its north-east corner.

Apportionment of cemeteries

5. The cemeteries shall be apportioned for the burial of persons belonging to various denominations and others in accordance with plans for the time being approved by the Central Board of Health. In every portion allotted to any Christian denomination there shall be set apart so much thereof as the sanitary inspector may deem fit for the burial of Fijian and other Polynesian Christians and Indian Christians belonging to such denomination. A special place shall be set apart for the interment of non-Christian natives of any Pacific island.

Application for interment

6. Applications for interment in the cemeteries may be made by any relative or friend of a deceased person having the charge of or being responsible for the burial of such deceased person, or by any other person whose duty it may be to provide for such interment. Every such application shall be in the form contained in the First Schedule.

Time for making application

7. Every application for interment shall be lodged with the sanitary inspector at least six hours before the interment takes place, and every interment shall be made and completed between the hours of 6 a.m. and 6 p.m.:

Provided that it shall be lawful for the sanitary inspector to authorise an interment at any time, either upon a certificate of necessity from a registered medical practitioner, or, in the absence of such practitioner, if he shall be satisfied that owing to the nature of the disease of which the deceased person died, a delay would be dangerous to health. A breach of any part of this regulation shall subject the offender to a fine not exceeding \$4.

Graves and vaults numbered

8. Places prepared for interment shall be either ordinary graves, not exceeding nine feet by four feet, hereinafter called "graves", or private or family vaults, hereinafter called "vaults". Every grave and vault shall be distinguished by a separate number, to be recorded in the plan and register of burials hereinafter mentioned.

Depth of graves

9. The sanitary inspector shall cause all graves to be dug, and each grave shall

be dug to a depth of at least five feet with the exception of the graves of children under ten years of age, which need not exceed four feet in depth. Vaults shall be constructed by the owner or owners thereof at his or their own expense.

One corpse only in each grave

10. One corpse only shall be placed in each grave, save and except in the cases following:—

- (a) in the case of the interment of children under ten years of age more than one corpse may be interred in one grave provided the top of the uppermost coffin is at least thirty inches below the ground surface;
- (b) more than one member of the same family may be interred in one grave provided the top of the uppermost coffin is at least thirty inches below the ground surface.

Public or private graves

11. Graves shall be either public or private. The sanitary inspector shall have a discretion to authorise or refuse the opening of a grave for the purpose of a second or subsequent interment therein, excepting in the case of a private grave or vault, in which no such second or subsequent interment shall take place without the consent of the owner or of the parties having a present interest in such private grave or vault.

Space between coffins

12. The space between two coffins (except when buried in a single grave as in regulation 10) at any point shall be at least eighteen inches.

Approval of sanitary inspector to burial in vault

13. No interment shall be permitted in any vault unless such vault shall have been first approved by the sanitary inspector as a fit and proper place of interment.

Number of interments in vault

14. The owner or owners of a vault shall be entitled upon payment of the proper fees to use such vault for as many interments as in the opinion of the sanitary inspector it will safely admit of:

Provided that—

- (a) if at any time a Government medical officer shall certify in writing to the sanitary inspector that any further interment in a vault would, in his opinion, be dangerous, no such further interment shall take place; and
- (b) if any vault shall fall into a state of disrepair, the sanitary inspector may refuse to allow further interment therein until it shall have been repaired to his satisfaction.

Applications for interments in vaults

15. Whenever an application for interment in a vault shall be made by any person other than the owner, no such interment shall be permitted unless the application be accompanied with the owner's consent in writing, and such consent shall be filed by the sanitary inspector. For the purpose of this regulation the term "owner" shall include any person acting with the consent of the parties having an interest in the vault to which the application refers.

Sanitary inspector's consent necessary before interment

16. No interment shall take place in the cemeteries without the knowledge and consent of the sanitary inspector, or of the person who for the time being may be acting in his place. A person committing or being accessory to the commission of a breach of this regulation shall, on conviction, be liable to a fine not exceeding \$4. In the allotment of every private grave or vault there shall be delivered to the allottee a certificate in the form contained in the Second Schedule signed by the sanitary inspector, in which every private grave or vault shall be distinguished by a separate number. A duplicate of every such certificate shall be filed by the sanitary inspector in book form.

Register to be kept

17. It shall be the duty of the sanitary inspector to keep a register of burials in the form contained in the Third Schedule, wherein each interment shall be distinguished consecutively by a separate number.

Plan to be kept

18. Plans of the cemeteries approved by the Central Board of Health shall be kept by the sanitary inspector, in which the position and number of every grave and vault and the registered number of every interment in every such grave or vault shall be indicated.

Erection of monuments

19. No person shall erect or cause to be erected in the cemeteries any monument, tablet, fence or other memorial or any building whatsoever without the previous consent in writing of the sanitary inspector and every application for such consent as aforesaid shall be accompanied by a sketch of the monument, tablet, fence or other memorial or building proposed to be erected.

Minister may order removal

20. Notwithstanding any such previous consent it shall be lawful for the Minister to order the removal of any such monument, tablet, fence or other memorial which may seem to him to be of an objectionable nature.

(Amended by Legal Notice 112 of 1970.)

Dilapidated monuments

21. Any monument, tablet, fence or other memorial or building erected or placed in the cemeteries which shall have been allowed to remain in a state of disrepair for a period of twelve months may be removed by order of the Central Board of Health.

Consent of Minister to remove

22. Save as aforesaid no such monument, tablet, fence or other memorial shall be removed except with the consent of the Minister.

(Amended by Legal Notice 112 of 1970.)

Penalty for damage to monuments

23. Any person who shall unlawfully remove, or cause to be removed, or who shall wilfully injure, move, alter or destroy any such monument, tablet, fence or

other memorial, except for the purposes of repair or restoration, shall, on conviction, be liable to a fine not exceeding \$4.

Allottee to have exclusive right of interment and not ownership of soil

24. Notwithstanding the use of the term "owner" in these Regulations the allotment of land for the purpose of any private grave or vault shall not vest the ownership of the soil in the allottee, but merely the exclusive right to him and his representatives to have interments therein, subject to the restrictions and conditions above-mentioned.

Caretaker to be present at all funerals

25. The caretaker shall be present at all funerals.

Certificate of burial

26. A certificate of burial in the form in the Fourth Schedule shall be furnished by the officiating minister, or by the sanitary inspector, as the case may be, in all cases where the Registrar-General shall require him to do so.

Fees

27. The fees mentioned in the Fifth Schedule shall be paid to the sanitary inspector before interment, and all such fees shall be paid by him into the Consolidated Fund.

If the fees are not paid before interment, double the amount due may be recovered either from the applicant or from any person or persons who shall have been responsible for or who shall have had the charge of the interment, unless a satisfactory guarantee has been made to the sanitary inspector before interment and the amount due is paid within seven days after interment.

Recovery of fees and penalties

28. All penalties and fees under these Regulations shall be recovered on the information of the sanitary inspector.

Seizure of trespassing animals

29. The sanitary inspector, or any person authorised by him, shall have power to seize any poundable animal found trespassing in the cemeteries, and to impound the same in accordance with the provisions of the Pound Act. (Cap. 165.)

Care of graves

30. Each grave shall be properly covered with turf or such other material as may be approved by the sanitary inspector within twelve months of the grave being filled in.

Disinterment—Consent in writing of Minister required

31. No body shall be disinterred or removed from the cemeteries except with the consent in writing of the *Minister and subject to such conditions as the *Minister in each case may prescribe.

(Amended by Legal Notice 112 of 1970.)

* Delegated to Commissioner of Division (see Legal Notice No. 94 of 1968).

Pauper burials

32. Notwithstanding anything contained in these Regulations, it shall be lawful for the sanitary inspector to inter, free of charge, persons designated in writing by the Inspector of Police at Rewa or the Medical Officer at Rewa.

Accounts to be kept and audited periodically

33. Accounts shall be kept by the sanitary inspector and the books shall be inspected and audited periodically by the Auditor-General.

(Amended by Legal Notice 112 of 1970.)

Penalty for breach of Regulations

34. Any breach of these Regulations may be punished on conviction by a fine not exceeding \$4, or in default of payment by imprisonment for any term not exceeding one month.

In absence of sanitary inspector Minister may appoint substitute

35. In the absence of the sanitary inspector the *Minister may by writing under his hand appoint such person as he shall think fit to carry on the duties of the sanitary inspector under these Regulations.

(Amended by Legal Notice 112 of 1970.)

FIRST SCHEDULE

(Regulation 6)

APPLICATION FOR INTERMENT

To the Sanitary Inspector of the _____ Cemetery.

I have to request interment of the body of

Age:

Sex:

Religious denomination:

Residence at time of decease:

Nationality:

Hour of funeral:

Public or private:

Grave or vault:

* Delegated to Permanent Secretary for Health (see Legal Notice No. 94 of 1968).

SECOND SCHEDULE
(Regulation 16)

ALLOTMENT FOR PRIVATE GRAVE OR VAULT

No. Dated the day of , 19
 Land for private distinguished in the Cemetery plan by the above
 number has this day been allotted to
 Dimensions of the above allotment:
 Portion of Cemetery:
 Price received:

Sanitary Inspector

THIRD SCHEDULE
(Regulation 17)

REGISTER OF BURIALS

No. of interment	No. of grave or vault and whether public or private	Name, sex and age of deceased person	Date and hour of interment	Name of person having charge of burial

FOURTH SCHEDULE
(Regulation 26)

CERTIFICATE OF BURIAL

I [*officiating minister or Sanitary Inspector*] of the
 Cemetery, do hereby certify that the body of was
 duly buried on the day of , 19 , at
 in the presence of the caretaker of the Cemetery.

Grave number:

Witness my hand this day of , 19

(Signature)

FIFTH SCHEDULE
(Regulation 27)

(Substituted by Legal Notice 233 of 1974.)

SCALE OF FEES TO BE PAID PREVIOUS TO ANY INTERMENT

PUBLIC GRAVES

Public Grave.....	\$	c
For a child under three months or still born.....	5	00
	3	00

LAND FOR PRIVATE GRAVE OR FAMILY VAULT

Two dollars per foot frontage by a depth of nine feet. No allotment to be less than four feet or more than twelve feet frontage.

Sinking grave five feet.....	\$	c
Every additional foot.....	6	00
Burying fee for each interment.....	2	00
Re-opening each grave or vault.....	6	00
	6	00

SECTION 7—BURIAL (SIGATOKA) REGULATIONS

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 8. Re-opening of graves
 9. Filling up of graves after burial
 10. Notice of burial to be given
 11. Misconduct in the burial ground
 12. Penalty
- Schedule—Burial Ground

Regulations 29 March 1920

Short title

1. These Regulations may be cited as the Burial (Sigatoka) Regulations.

Application

2. These Regulations shall apply to the burial ground described in the Schedule.

Size of grave

3. Every grave shall be not less than four and one-half feet deep, and every grave intended for an adult shall be at least seven feet long by two feet broad.

Arrangement of graves

4. All graves shall be numbered, and shall be uniformly laid out in rows, a space of two feet in width between every two adjacent graves being retained.

Register

5. A register of graves shall be kept by the manager of the burial ground, in which the name, sex, and age of the persons buried in each grave, and the date of each interment shall be duly registered.

Separate graves

6. One body only shall be buried in any one grave, unless the bodies be those of members of the same family and each body be contained in a separate coffin.

Where more than one body buried in the same grave

7. In cases where it is permissible to bury more than one body in the same grave such grave shall be of sufficient depth to allow every part of the coffin containing the body to be placed at a depth of not less than four feet below the level of the surface of the ground adjoining the grave. In every case a layer of earth not less than one foot thick shall be left between any two coffins.

Re-opening of graves

8. No grave shall be re-opened without the permission in writing of the health officer of the Division or by virtue of a warrant under the hand of a magistrate.

Filling up of graves after burial

9. Every person who buries a body shall fill up or cause to be filled up with earth immediately after the burial the grave in which such body has been placed; and in so doing shall allow sufficient earth for the natural subsidence of the earth with which the grave has been filled up.

Notice of burial to be given

10. No body shall be interred in any burial ground unless and until the burial authority or the nearest police officer of or above the rank of inspector, has been notified of the interment.

Misconduct in the burial ground

11. A person shall not, in any part of a burial ground by any violent or indecent behaviour prevent, interrupt, or delay the decent and solemn burial of any body.

Penalty

12. Any person who contravenes any of the provisions of these Regulations shall be liable on conviction to a fine not exceeding \$4 or in default to one month's imprisonment.

SCHEDULE
(Regulation 2)

BURIAL GROUND

The burial ground at Koromumu, Sigatoka, proclaimed by Proclamation No. 10 of 1920 on 5 March 1920.

SECTION 7—BURIAL (SUVA MILITARY CEMETERY)
REGULATIONS

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Regulations 2 September 1950, 19 June 1960, Legal Notice No. 112 of 1970

Short title

1. These Regulations may be cited as the Burial (Suva Military Cemetery) Regulations.

Application

2. These Regulations shall apply to the public burial ground situated in the tikina of Suva and set apart and licensed as a public burial ground and crematorium.

Name

3. The said burial ground shall be known as "The Suva Military Cemetery".

Control and management

4. The control and management of the Suva Military Cemetery shall be vested in the Commonwealth War Graves Commission.

(Amended by Regulations 19 June 1960.)

Use

5. The said burial ground is hereby appropriated to the burial of members of His Majesty's Forces who died or were killed in the Second World War.

For the purposes of these Regulations, the Second World War shall be deemed to have begun on 4 September 1939 and to have ended on 31 December 1947.

Graves

6. All graves shall be numbered and uniformly laid out in rows with a distance of three feet between every two adjacent rows. Each plot shall be six and a half feet long and three feet wide with a distance of one foot between every two adjacent plots. Each grave shall be not less than five feet deep. There shall be a distance of not less than one and a half feet between every two adjacent coffins.

Only one body

7. Not more than one body shall be buried in any one grave.

Levelling

8. All graves shall be levelled and planted with grass which shall be kept mown.

Flowers and monuments

9. No flowers or shrubs shall be planted on any grave except as may be directed by the Commonwealth War Graves Commission. No monument or marker shall be placed on any grave except as may be authorised by the Commonwealth War Graves Commission.

(Amended by Regulations 19 June 1960.)

Register

10. A register of graves shall be kept in which the name, sex and age of the person buried in each grave, and the date of such interment shall be duly registered.

Re-opening grave

11. No grave shall be re-opened without the permission in writing of both the Commonwealth War Graves Commission and of the Medical Officer of Health at Suva, or by virtue of a warrant under the hand of a magistrate, or by permission of the Minister pursuant to section 12 of the Act.

(Amended by Regulations 19 June 1960; Legal Notice 112 of 1970.)

Disorderly behaviour

12. No person shall by any violent, abusive or indecent language or behaviour cause any disturbance in any part of the said burial ground.

Penalty

13. Any person who contravenes any of the provisions of regulations 7, 9, 11 and 12 shall be liable on conviction to a fine not exceeding \$4 or in default to imprisonment not exceeding one month.

SECTION 7—BURIAL (SUVA, NASINU, VATUWAQA, LEVUKA,
VATUREKUKA AND LAUTOKA) REGULATIONS

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 Fifth Schedule—Scale of Fees to be Paid
 Sixth Schedule—Scale of Charges for Tending and Weeding Graves

Regulations 30 October 1925, 15 June 1938, 16 September 1943, 12 December 1958, 2 April 1960, 3 August 1961, 10 October 1964, Legal Notices Nos. 112 of 1970, 237 of 1974, 70 of 1979

Short title

1. These Regulations may be cited as the Burial (Suva, Nasinu, Vatuwaqa, Levuka, Vaturekuka and Lautoka) Regulations.
(Amended by Regulations 2 April 1960; 10 October 1964.)

Appointment of manager

2. The cemeteries at Korovou, Suva, Nasinu, Vatuwaqa, Lautoka, Vaturekuka and Draiba, Levuka (hereinafter referred to as "the cemeteries"), licensed and proclaimed under the Act as public burial-grounds, shall be respectively under the care of an officer, styled "the manager", to be appointed by the *Minister.
(Amended by Regulations 5 June 1938; 16 September 1943; 2 April 1960; 10 October 1964; Legal Notice 112 of 1970.)

Apportionment of cemeteries

3. The cemeteries shall be apportioned for the burial of persons belonging to various denominations and others in accordance with plans for the time being approved by the Central Board of Health. In every portion allotted to any Christian denomination there shall be set apart so much thereof as the manager may deem fit for the burial of Fijian and other Polynesian Christians belonging to such denomination, and Indians. A special place shall be set apart for the interment of non-Christian natives of any Pacific island.

* Delegated to Commissioners of Divisions (see Legal Notice No. 94 of 1968).

Application for interment

4. Applications for interment in the cemeteries may be made by any relative or friend of a deceased person having the charge of or being responsible for the burial of such deceased person, or by any other person whose duty it may be to provide for such interment. Every such application shall be in the form contained in the First Schedule.

Time for making application

5. Every application for interment shall be lodged with the manager at least six hours before the interment takes place; and every interment shall be made and completed between the hours of 6 a.m. and 6 p.m.:

Provided that it shall be lawful for the manager to authorise an interment at any time, either upon a certificate of necessity from a registered medical practitioner or, in the absence of such practitioner, if he shall be satisfied that owing to the nature of the disease of which the deceased person died, a delay would be dangerous to health. A breach of any part of this regulation shall subject the offender to a fine not exceeding \$4.

Graves and vaults numbered

6. Places prepared for interment shall be either ordinary graves, not exceeding nine feet by four feet, hereinafter called "graves", or private or family vaults, hereinafter called "vaults". Every grave and vault shall be distinguished by a separate number, to be recorded in the plan and register of burials hereinafter mentioned.

Depth of graves

7. The manager shall cause all graves to be dug, and each grave shall be dug to a depth of at least five feet with the exception of the graves of children under ten years of age, which need not exceed four feet in depth. Vaults shall be constructed by the owners.

One corpse only in each grave

8. One corpse only shall be placed in each grave, save and except in the cases following:—

- (a) in the case of the interment of children under ten years of age more than one corpse may be interred at the same time in one grave provided the top of the upper most coffin is at least thirty inches below the ground surface;
- (b) more than one member of the same family may be interred at the same time in one grave provided the top of the uppermost coffin is at least thirty inches below the ground surface.

Public or private graves

9. Graves shall be either public or private. The manager shall have a discretion to authorise or refuse the opening of a grave for the purpose of a second or subsequent interment therein, excepting in the case of a private grave or vault, in which no such second or subsequent interment shall take place without the consent of the owner or of the parties having a present interest in such private grave or vault.

Exclusive right in the case of a public grave—how acquired

10. Any person who, on payment of the fees prescribed for a public grave, has been allotted a place for interment may within seven years thereafter acquire for himself and his representatives the exclusive right to have interments therein by payment of the difference between the fees prescribed for public graves and the fees prescribed for private graves.

Re-opening of graves

11. No grave shall be re-opened for the purpose of burying therein the body of a person until after the expiration of eight years from the date of the burial in such grave of the body of a person whose age at the time of death did not exceed twelve years or until after the expiration of fourteen years from the date of the burial in such grave of the body of a person whose age at the time of death exceeded twelve years.

Space between coffins

12. The space between two coffins (except when buried in a single grave as in regulation 8) at any point shall be at least eighteen inches.

Approval of manager to burial in vault

13. No interment shall be permitted in any vault unless such vault shall have been first approved by the manager as a fit and proper place of interment.

Number of interments in vault

14. The owner or owners of a vault shall be entitled upon payment of the proper fees to use such vault for as many interments as in the opinion of the manager it will safely admit of:

Provided that—

- (a) if at any time a Government medical officer shall certify in writing to the manager that any further interment in a vault would, in his opinion, be dangerous, no such further interment shall take place;
- (b) if any vault shall fall into a state of disrepair, the manager may refuse to allow further interment therein until it shall have been repaired to his satisfaction.

Applications for interments in vaults

15. Whenever an application for interment in a vault shall be made by any person other than the owner, no such interment shall be permitted unless the application be accompanied with the owner's consent in writing, and such consent shall be filed by the manager. For the purpose of this regulation the term "owner" shall include any person acting with the consent of the parties having an interest in the vault to which the application refers.

Manager's consent necessary before interment

16. No interment shall take place in the cemeteries without the knowledge and consent of the manager, or of the person who for the time being may be acting in his place. A person committing or being accessory to the commission of a breach of this regulation shall, on conviction, be liable to a fine not exceeding \$4. In the allotment of every private grave or vault there shall be delivered to the allottee a certificate in the form contained in the Second Schedule signed by the manager, in

which every private grave or vault shall be distinguished by a separate number. A duplicate of every such certificate shall be filed by the manager in book form.

Register to be kept

17. It shall be the duty of the manager to keep a register of burials in the form contained in the Third Schedule, wherein each interment shall be distinguished consecutively by a separate number.

Plans to be kept

18. A plan of each cemetery approved by the Central Board of Health shall be kept by the manager, in which the position and number of every grave and vault and the registered number of every interment in every such grave or vault shall be indicated.

Erection of monuments, etc.

19. No person shall erect or cause to be erected in the cemeteries any monument, tablet, fence or other memorial, or any building whatsoever without the previous consent in writing of the manager and every application for such consent as aforesaid shall be accompanied by a sketch of the monument, tablet, fence or other memorial or building proposed to be erected.

Minister may order removal

20. Notwithstanding any such previous consent it shall be lawful for the Minister to order the removal of any such monument, tablet, fence or other memorial or building, which may seem to him to be of an objectionable nature.
(Amended by Legal Notice 112 of 1970.)

Dilapidated monuments

21. Any monument, tablet, fence or other memorial or building erected or placed in the cemeteries which shall have been allowed to remain in a state of disrepair for a period of twelve months may be removed by order of the Central Board of Health.

Consent of Minister to remove

22. Save as aforesaid no such monument, tablet, fence or other memorial or building shall be removed except with the consent of the Minister.
(Amended by Legal Notice 112 of 1970.)

Penalty for damage to monuments

23. Any person who shall unlawfully remove, or cause to be removed, or who shall wilfully injure, move, alter or destroy any such monument, tablet, fence or other memorial or building, except for the purposes of repair or restoration, shall, on conviction, be liable to a fine not exceeding \$4.

Allottee to have exclusive right of interment and not ownership of soil

24. Notwithstanding the use of the term "owner" in these Regulations the allotment of land for the purpose of any private grave or vault shall not vest the ownership of the soil in the allottee, but merely the exclusive right to him and his representatives to have interments therein, subject to the restrictions and conditions above-mentioned.

Manager or his deputy to be present at all funerals

25. The manager, or some person deputed by him for the purpose, shall be present at all funerals.

Certificate of burial

26. A certificate of burial in the form in the Fourth Schedule shall be furnished by the officiating minister, or by the manager, as the case may be, in all cases where the Registrar-General shall require him to do so.

Fees

27. The fees mentioned in the Fifth Schedule shall be paid to the manager before interment, and all such fees shall be paid by him into the Consolidated Fund.

If the fees are not paid before interment, double the amount due may be recovered either from the applicant or from any person or persons who shall have been responsible for or who shall have had the charge of the interment, unless a satisfactory guarantee has been made to the manager before interment and the amount due is paid within seven days after interment.

Recovery of fees and penalties

28. All penalties and fees under these Regulations shall be recovered on the complaint of the manager.

Seizure of trespassing animals

29. The manager, or any person authorised by him, shall have power to seize any poundable animal found trespassing in the cemeteries, and to impound the same in accordance with the provisions of the Pound Act. (Cap. 165.)

Care of graves

30. Each grave shall be properly covered with turf or such other materials as may be approved by the manager within twelve months of the grave being filled in.

Tending and weeding of private graves

31. Private graves and allotments will be weeded and tended by the Burial Authority on application to the manager in writing, and on payment of the fees as provided in the Sixth Schedule. All fees shall be paid in advance to cover the period 1 January to 31 December in each year. This regulation does not extend to erection of or repairs to monuments, tablets, fences or other memorials or buildings.

Pauper burials

32. Notwithstanding anything contained in these Regulations it shall be lawful for the manager to inter, free of charge, persons designated in writing by the Commissioner of Police, the Superintendent of Police, Lautoka, the Inspector of Police, Levuka, the Senior Police Officer, Labasa, or the Medical Officers at Suva, Lautoka, Labasa or Levuka.

(Amended by Regulations 15 June 1938; 10 October 1964.)

Access to cemeteries

33. The cemeteries at Suva, Nasinu, Vatuwaqa, Vaturekuka and Lautoka shall be closed to the general public at all hours of each day of the week from 6 p.m.

to 6 a.m. during the months of May to October both inclusive and from 8 p.m. to 6 a.m. during the remaining months of the year.

(Inserted by Regulations 3 August 1961.)

Penalty for trespass

34. Any person entering or remaining upon the grounds of the cemeteries at Suva, Nasinu, Vatuwaqa, Vaturekuka and Lautoka or upon any building thereon during any period during which those cemeteries are closed to the general public shall be guilty of an offence and liable on conviction to a fine not exceeding \$4.

(Inserted by Regulations 3 August 1961.)

FIRST SCHEDULE
(Regulation 4)

APPLICATION FOR INTERMENT

To the Manager of the _____ Cemetery.
I have to request the interment of the body of
Age:
Sex:
Religious denomination:
Residence at time of decease:
Nationality:
Hour of funeral:
Public or private:
Grave or vault:

SECOND SCHEDULE
(Regulation 16)

ALLOTMENT FOR PRIVATE GRAVE OR VAULT

No. _____ Dated the _____ day of _____, 19 ____
Land for private _____ distinguished in the Cemetery plan by the
above number has this day been allotted to
Dimensions of the above allotment:
Portion of Cemetery:
Price received:

Manager

THIRD SCHEDULE
(Regulation 17)

REGISTER OF BURIALS

No. of interment	No. of grave or vault and whether public or private	Name, sex and age of deceased person	Date and hour of interment	Name of person having charge of burial

FOURTH SCHEDULE
(Regulation 26)

CERTIFICATE OF BURIAL

I [officiating minister or Manager] of the _____ Cemetery, do hereby certify that the body of _____ was duly buried on the _____ day of _____, 19____, at _____ in the presence of the undersigned.

Grave number:

Witness my hand this _____ day of _____, 19____.

A.B. }
C.D. } (Householders) _____ (Signature)

FIFTH SCHEDULE
(Regulation 27)

(Substituted by Legal Notice 70 of 1979.)

SCALE OF FEES TO BE PAID PREVIOUS TO ANY INTERMENT

PUBLIC GRAVES

Public grave.....	\$ c
For a child under three months or stillborn.....	10-00
	6-00

LAND FOR PRIVATE GRAVE OR FAMILY VAULT
Two dollars per 30 cm frontage by a depth of 2.7 m.
No allotment to be less than 1.2 m no more than
3.6 m frontage.

PRIVATE GRAVES

	\$	c
Sinking grave 1.5 m	9	00
Every additional 20 cm	3	00
Burying fee for each interment	9	00
Re-opening each grave or vault	9	00

SIXTH SCHEDULE

(Regulation 31)

(Substituted by Legal Notice 70 of 1979.)

SCALE OF CHARGES FOR TENDING AND WEEDING GRAVES

	\$	c
Tending and weeding private single allotment 1.2 m by 2.7 m	8	00
Tending and weeding private double allotments 2.4 m by 2.7 m	20	00

SECTION 7—BURIAL (VARAVU) REGULATIONS

TABLE OF PROVISIONS

REGULATION

1. Short title
2. Application
3. Depth of graves
4. Space between graves
5. Register of graves
6. One body only in grave
7. Space between coffins
8. Re-opening of graves
9. Filling up of grave
10. Notification of intended burial
11. Indecent behaviour
12. Penalty

Regulations 14 April 1937

Short title

1. These Regulations may be cited as the Burial (Varavu) Regulations

Application

2. These Regulations shall apply to the private burial ground for all members of the Muslim community known as Naturukia situate at Varavu in the tikina of Ba, proclaimed under the Act.

Depth of graves

3. Each grave shall not be less than four and one-half feet deep, and every grave intended for an adult shall be at least seven feet long by two feet broad.

Space between graves

4. All graves shall be numbered and shall be uniformly laid out in rows, a space of two feet in width between every two adjacent graves being retained.

Register of graves

5. A register of graves shall be kept, in which the name, sex and age of the persons buried in each grave, and the date of each interment shall be duly registered.

One body only in grave

6. One body only shall be buried in any one grave, unless the bodies be those of members of the same family and each body be contained in a separate coffin.

Space between coffins

7. In cases where it is permissible to bury more than one body in one grave, such grave shall be of sufficient depth so as to allow any part of the coffin containing the body to be placed at a depth of not less than four feet below the level of the surface of the ground adjoining the grave. In every case a layer of earth not less than one foot thick shall be left between any two coffins.

Re-opening of graves

8. No grave shall be re-opened without the permission in writing of the health officer of the Division or by virtue of a warrant under the hand of a magistrate.

Filling up of grave

9. Every person who buries a body shall fill up or cause to be filled up with earth immediately after the burial the grave in which such body has been placed; and in so doing shall allow sufficient earth for the natural subsidence of the earth with which the grave has been filled up.

Notification of intended burial

10. No body shall be interred in the burial ground unless and until a district officer or the nearest police officer has been notified of the interment intended.

Indecent behaviour

11. A person shall not in any part of the burial-ground by any violent or indecent behaviour prevent, interrupt or delay the decent and solemn burial of any body.

Penalty

12. Any person who contravenes any of the provisions of these Regulations shall be liable on conviction to a fine not exceeding \$4 or in default to imprisonment for any term not exceeding one month.

SECTION 7—BURIAL (VUNINOKONOKO SOUTH) REGULATIONS

TABLE OF PROVISIONS

REGULATION

1. Short title
2. Application
3. Depth of graves
4. Space between graves
5. Register of graves
6. One body only in grave
7. Space between coffins
8. Re-opening of graves
9. Filling up of grave
10. Notification of intended burial
11. Indecent behaviour
12. Penalty

Regulations 31 October 1935

Short title

1. These Regulations may be cited as the Burial (Vuninokonoko South) Regulations.

Application

2. These Regulations shall apply to the private burial ground at Vuninokonoko South in the district of Navua proclaimed under the Act.

Depth of graves

3. Each grave shall be not less than four and one-half feet deep, and every grave intended for an adult shall be at least seven feet long by two feet broad.

Space between graves

4. All graves shall be numbered and shall be uniformly laid out in rows, a space of two feet in width between every two adjacent graves being retained.

Register of graves

5. A register of graves shall be kept, in which the name, sex and age of the persons buried in each grave, and the date of each interment shall be duly registered.

One body only in grave

6. One body only shall be buried in any one grave, unless the bodies be those of members of the same family and each body be contained in a separate coffin.

Space between coffins

7. In cases where it is permissible to bury more than one body in one grave, such grave shall be of sufficient depth so as to allow any part of the coffin containing the body to be placed at a depth of not less than four feet below the level of the surface of the ground adjoining the grave. In every case a layer of earth not less than one foot thick shall be left between any two coffins.

Re-opening of graves

8. No grave shall be re-opened without the permission in writing of the health officer of the Division or by virtue of a warrant under the hand of a magistrate.

Filling up of grave

9. Every person who buries a body shall fill up or cause to be filled up with earth immediately after the burial the grave in which such body has been placed; and in so doing shall allow sufficient earth for the natural subsidence of the earth with which the grave has been filled up.

Notification of intended burial

10. No body shall be interred in the burial-ground unless and until a district officer or the nearest police officer has been notified of the interment intended.

Indecent behaviour

11. A person shall not in any part of the burial-ground by any violent or indecent behaviour prevent, interrupt or delay the decent and solemn burial of any body.

Penalty

12. Any person who contravenes any of the provisions of these Regulations shall be liable on conviction to a fine not exceeding \$4 or in default to imprisonment for any term not exceeding one month.

 SECTION 7—CREMATION REGULATIONS

 TABLE OF PROVISIONS

REGULATION

1. Short title
2. Interpretation
3. Authority required for cremation

4. Conditions for granting authority to cremate
5. Place and conduct of cremation and disposal of ashes
6. Offence and penalty

Legal Notice No. 163 of 1974

Short title

1. These Regulations may be cited as the Cremation Regulations.

Interpretation

2. In these Regulations, unless the context otherwise requires—

“authorised officer” means any person on whose certificate or order a dead body may be cremated and such certificate or order shall be an “authority” for the purposes of these Regulations;

“burial authority” means a person appointed under section 6 of the Act to be a burial authority and having charge and control of any burial ground.

Authority required for cremation

3. Cremation of any dead body shall not be lawful until the written authority of an authorised officer has been obtained upon application made by or on behalf of the next of kin or other person having the charge of the dead body.

Conditions for granting authority to cremate

4. An authorised officer shall not give his authority unless—

(a) in the case of a medical practitioner or, where appropriate, a registered midwife, he or she has attended the deceased person (or the mother of a stillborn child) up to or shortly before the time of death and can certify that death has been due to natural causes; or

(b) in the case of a police officer, justice of the peace or other authorised officer, until he has viewed and examined the body for external injuries, and he is satisfied from such examination and from the statements of two respectable residents of the neighbourhood, and after carrying out any necessary further investigations, that there is no reason to suspect that death has been brought about or accelerated by any unnatural cause; or

(c) in the case of a magistrate, he has carried out such investigations as shall be appropriate or as he shall deem to be necessary:

Provided that, for the avoidance of doubt, it is hereby declared that no authorised officer shall give his authority to cremate any deceased person the disposal of whose body is specifically covered by the Inquests Act, or by any other written law unless such authorised officer is also enabled by such Act or other written law to make an order or give such authority and unless all the appropriate provisions of such Act or other written law have also been strictly complied with.

(Cap. 46.)

Place and conduct of cremation and disposal of ashes

5.—(1) Cremation of a dead body shall only be allowed in such places as a burial authority may from time to time direct or appoint.

(2) In all cases cremation shall be conducted under general directions given by, and in accordance with any general or special rules of conduct and any general or special arrangements made by, the burial authority in charge of the place at which the cremation takes place.

(3) Incineration of a dead body must be complete and the ashes shall be disposed of by handing them to the next of kin or other person who, immediately prior to the cremation, had charge of the dead body or in the event of there being no such next of kin or other person or of such next of kin or other person refusing to accept such ashes, in such manner as the burial authority may direct.

(4) A burial authority may delegate any of his functions or duties under paragraphs (2) and (3) to the manager or other person directly in charge of and responsible for any burial ground or place in which a cremation takes place.

Offence and penalty

6. Any person who burns or cremates any dead body in contravention of any of the provisions of these Regulations shall be liable on conviction to a fine not exceeding \$200.

Controlled by Ministry of Health