

M O N T S E R R A T

**CEMETERIES ACT 2024**

No. 19 of 2024

**ARRANGEMENT OF SECTIONS**

1.	Short title .....	2
2.	Interpretation .....	2
3.	Licensing of cemeteries .....	3
4.	Prohibition of interment in unlicensed place.....	3
5.	Management and control of cemeteries.....	3
6.	Allotments to religious denominations.....	3
7.	Discontinuance of cemeteries.....	4
8.	Excavation, disturbance or removal of body, etc. ....	4
9.	General penalty.....	4
10.	Regulations .....	5
11.	Repeal .....	5
12.	Savings .....	5



Montserrat  
Cemeteries Act, 2024  
No. 19 of 2024

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**I ASSENT**

*Sgd. Lyndell Simpson (Mrs.)*  
**GOVERNOR (Ag.)**  
**Lyndell Simpson**

DATE: 28 June 2024

**M O N T S E R R A T**

No. 19 of 2024

AN ACT TO PROVIDE FOR THE LICENSING AND ALLOTMENT OF CEMETERIES, TO REGULATE THE INTERMENT OF DECEASED PERSONS, AND FOR RELATED MATTERS.

BE IT ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Montserrat, and by the Authority of the same as follows:—

**1. Short title**

This Act may be cited as the Cemeteries Act, 2024.

**2. Interpretation**

In this Act—

“**Board**” means the Public Health Advisory Board established by the Public Health Act (Cap. 14.01);

“**body**” means a dead human body;

Montserrat  
Cemeteries Act, 2024  
No. 19 of 2024

---

“**cemetery**” means a place licensed for the interment of a body; and

“**inter**” means to place in a grave, tomb or mausoleum and “**interred**” and “**interment**” shall be construed accordingly.

**3. Licensing of cemeteries**

The Governor acting on the advice of Cabinet may by proclamation licence as a public or private cemetery any parcel of land which may be required for that purpose.

**4. Prohibition of interment in unlicensed place**

- (1) A person shall not inter a body in a place other than a cemetery.
- (2) A person who contravenes subsection (1) or assists in the contravention of subsection (1) commits a summary offence and is liable to a fine of \$5,000 and in the case of a continuing offence, to a further fine of \$100 for each day the offence is continued.

**5. Management and control of cemeteries**

The management and control of all cemeteries is vested in the Board.

**6. Allotments to religious denominations**

- (1) The Board may allot a public cemetery in such proportion as it considers reasonable, to a religious denomination in Montserrat.
- (2) No religious service shall be performed at an interment in a part of a public cemetery allotted under subsection (1), unless the minister of religion or other religious leader in charge of the religious denomination has consented to the religious service.

**7. Discontinuance of cemeteries**

- (1) Where it appears to the Governor acting on the advice of Cabinet that interment in a cemetery should be discontinued in the public interest, the Governor acting on the advice of Cabinet may by Order declare that, after a time stated in the Order, interment in the cemetery is discontinued.
- (2) A notice of the Order declaring the discontinuance of interment in the cemetery shall be published in the Gazette at least one month before the Order takes effect.
- (3) After the expiration of the period stated in the Order, the cemetery shall no longer be used for interment.

**8. Excavation, disturbance or removal of body, etc.**

- (1) Subject to subsection (2), a person who—
  - (a) excavates a grave or tomb containing a body other than for the purpose of interring another body in accordance with this Act and regulations made under this Act;
  - (b) disturbs a body or the remains of a body interred in a cemetery; or
  - (c) removes any body or part of a body interred in a cemetery or any item interred with a body in a cemetery,commits a summary offence and is liable to a fine of \$5,000.
- (2) For the avoidance of doubt, this section does not apply to exhumation authorised by the Chief Medical Officer.

**9. General penalty**

A person who contravenes this Act or regulations made under this Act, for which no penalty is expressed, commits a summary offence and is liable to a fine of \$2,000 and in the case of a continuing offence, to a further fine of \$100 for each day the offence is continued.

Montserrat  
Cemeteries Act, 2024  
No. 19 of 2024

---

**10. Regulations**

- (1) The Board may, with the approval of the Governor acting on the advice of Cabinet, make regulations for the general governance of cemeteries.
- (2) The power to make regulations under this section shall include the power to require, impose and charge dues and fees with respect to the matters dealt with in the regulations.

**11. Repeal**

The Burial Grounds Act (Cap. 14.12) is repealed.

**12. Savings**

- (1) A Burial Grounds Proclamation made under section 3 of the Burial Grounds Act (Cap. 14.12) continues in force until repealed.
- (2) A burial ground licensed by a Burial Grounds Proclamation made under section 3 of the Burial Grounds Act (Cap. 14.12) continues to be licensed until interment is discontinued under section 7.

*Sgd. Charliena M. L. White (Miss.)*

**SPEAKER**

**Miss. Charliena M. L. White**

Passed by the Legislative Assembly this 25<sup>th</sup> day of June, 2024.

*Sgd. Dr. Judith Baker*

**CLERK OF THE LEGISLATIVE ASSEMBLY**

**Judith Baker**