

NEW HEBRIDES CONDOMINIUM

JOINT REGULATION

No. 23 of 1977

TO REGULATE interments in Vila and Santo.

MADE by the Resident Commissioners under the provisions of Articles 2:2 and 7 of the Anglo-French Protocol of 1914.

Interpretation 1. (1) In this Regulation the following expression shall have the meanings respectively assigned to them -

"cemetery" means a cemetery owned and maintained by the Municipalities of Vila or Santo ;

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

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

"medical practitioner" means a Condominium Medical Officer appointed by Joint Decision of the Resident Commissioners or a medical practitioner licensed pursuant to Joint Regulation No. 12 of 1953 ;

"Permit to Inter" means a permit granted under the provisions of section 3 hereof.

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

Declarations of death 2. (1) Where any person witnesses a death or discovers any body of a deceased person he shall within twenty-four hours inform a person authorised under the provisions of section 3 hereof to grant Permits to Inter.

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

Permits to Inter 3. (1) Permits to Inter shall be granted by the Mayor of the Municipality in which the death has taken place, or his authorised representative.

(2) Without prejudice to the provisions of subsection (1) the Resident Commissioners may by Joint Decision authorise such other persons as they deem fit to grant permits to Inter.

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

Prohibition  
of interment

4. (1) No person shall inter or cause or permit to be interred any body of a deceased person within the town limits of Vila or Luganville -

(a) otherwise than in a cemetery ; and

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

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

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

Transport  
of Bodies

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

Dimensions  
and placing  
graves

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

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

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

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

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

Grant of concessions

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

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

(a) to legally constituted Associations of Ex-Servicemen who may make application therefor in the name of those of their members whose status as an Ex-Serviceman has been established in accordance with their Rules ; and

(b) such other persons as, by reason of their or their family's longstanding residence in the New Hebrides the Municipal Council may authorise.

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

Graves where no concession is obtained

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

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

(2) The cost of the maintenance of such graves shall be borne by the Municipality within they are situate.

Termination of use of cemetery

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

Successive interments

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

Provided that such interments may be made if either -

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

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

Renewal of concessions

11. Thirty-year or ten-year concessions may be renewed at the conclusion of each thirty or ten year period, as the case may be.

Failure to renew

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

Provided that during the said period of two years the grantee may exercise his right of renewal in accordance with the provisions of the immediately preceding section of this Regulation.

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

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

Vaults

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

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

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

(b) in the case of a vault erected on a concession granted to an Association of ex-Servicement under the provisions of subsection (2) of section 7, of Members of the Association :

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

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

Tombstones

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

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

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

Municipality  
to carry out  
works

15. (1) Any interment, disinterment, opening of graves, grant or renewal of a concession and all works necessary for such operations to be carried out shall fall within the exclusive competence of the Mayor and the Municipal Undertaker's Department and fees shall be charged therefor which shall be prescribed by Municipal By-Law enacted by the Mayor and approved by the Municipal Council.

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

Penalties

16. Any person who acts in contravention of the provisions of this Regulation shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding 10,000 FNH or its equivalent in Australian dollars at the official rate of exchange.

Repeal and  
Transitional  
provisions

17. (1) The Joint Control of Interment Regulation No.15 of 1968 is hereby repealed.

(2) Notwithstanding the provisions of this Regulation any concession granted before its coming into operation shall continue on the same terms as those upon which it was granted.

Citation  
and  
commencement

18. This Regulation may be cited as the Burials Regulation No. of 1977 and shall come into operation on the date of its publication in the Condominium Gazette.

MADE at Vila this twenty first day of July 1977.

f. the Resident Commissioner  
for the French Republic

Her Britannic Majesty's  
Acting Resident Commissioner

F. DOYEN

J.A. BURGESS

FIRST SCHEDULE  
(Section 2 (2))

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

Signed .....

(Medical Practitioner)

SECOND SCHEDULE

(Section 3 (3))

PERMIT TO INTER

Burials Regulation No. 23 of 1977.

I ..... having been authorised in that  
behalf under section 3 of the Burials Regulation No. 23 of 1977  
and ..... (name of informant)  
having reported the death of .....and .....  
.....having produced a Death  
Certificate hereby authorise the burial of the said  
.....  
in the .....cemetery on . concession  
(if any) .....at .....  
on the .....day of .....subject to the  
following conditions (if any).

\_\_\_\_\_  
(Signature)

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