

Municipal Council of Vacoas-Phoenix (Phoenix Cemetery) Regulations 2008

GN No. 102 of 2008

Repealed by [GN No. 148 of 2012]

Government Gazette of Mauritius No. 61 of 28 June 2008

MUNICIPAL COUNCIL OF VACOAS-PHOENIX

Regulations made by the Municipal Council of Vacoas-Phoenix under Section 51(1)(g), 51(6) and 142 of the Local Government Act 1989

PART I

1. These regulations may be cited as the **Municipal Council of Vacoas-Phoenix (Phoenix Cemetery) Regulations 2008**.

2. In these regulations, unless the context otherwise requires -

"Applicant" means any person who satisfies the Council that he/she is authorised by a deceased next-of-kin to cause the corpse to be buried at the Phoenix Cemetery.

"Cemetery" and "Burial Ground" are to be construed as synonymous and mean land set apart for the burial of corpses.

"Common Grave" means a grave in which a corpse has been buried in land still belonging to the owner.

"Contagious Disease" is synonymous with communicable disease and includes Cholera, Yellow Fever, Small Pox, Typhus Fever, Scarlet Fever, Typhoid or Enteric Fever, Puerperal Fever, Relapsing Fever, Diphtheria, Measles and such other diseases as shall from time to time declared to be contagious by the Ministry of Health.

"Grave" means a burial place formed in the ground, by excavation and without any internal wall of brick or stonework. The excavation may; however, contain a wooden framework, open at the bottom and covered with planks.

"Private Grave" means a grave in land, which has been purchased from the Municipal Council.

"Surface", in relation to a burial ground, means the level of the ground adjoining a grave, exclusive of earth heaps or stones placed over a grave.

"Tomb" means a construction in masonry covering a grave.

"Council" means the Municipal Council of Vacoas-Phoenix.

"Vault" and "Mausoleum" are synonymous and include burial places of every other description than those already mentioned.

"Inspector" means any Officer appointed by the Council

3.
 - (i) The Inspector shall ensure that cleanliness is maintained at all times at the cemetery.
 - (ii) Burials should be made in accordance with Public Health Act or any Regulation made under the Public Health Act.
 - (iii) No person shall enter the cemetery unless decently dressed.
 - (iv) The Inspector shall keep in his office a plan of the burial ground showing the different sections or squares
 - (v) The Inspector shall cause to be marked each square and row of graves and so far as in reasonably practicable, each single grave with paint on concrete, wooden plate or metallic material. The markings should bear letters or numbers corresponding with records kept at the Cemetery Office.
 - (vi) The Inspector shall register all dates of burial and exhumations with the names of persons interred or exhumed and any other relevant particulars set out in the first schedule of these regulations.
4. The Inspector shall open the Cemetery at 09 00 hrs and closed at 18 00 hrs. However request for late night burial shall be acceded up to 22 30 hrs. It will also be closed for lunch from 11 00 hrs to 12 30 hrs.
5. All graves not covered with stones or otherwise protected shall be planted by the owner, with short grass or flower so as to prevent the earth heaps from being washed away by heavy rains.
6. No person shall walk on any grave or burial place, leap over the enclosures and write on or otherwise deface any monument, pluck, take away or remove any flower plants, shrubs, vases or other articles

deposited in a cemetery, without authorisation from the Inspector.

7. (i) No person shall introduce dogs or other animals inside the cemetery
 - (ii) No person shall cause any motor vehicle to enter or be parked inside the cemetery unless authorised by the Inspector.
8. (i) No person shall consume alcoholic beverages inside the Cemetery and no person shall enter the Cemetery whilst under the influence of intoxicating (Alcoholic) beverages.
 - (ii) No person shall light candles or to form processions by torchlight or with drums, horns or other musical instrument therein.
9. No interment shall take place except in public cemetery or in a private one already authorised, unless under very special circumstances to be approved by the Ministry of Health.
10. Burial grounds may be divided into consecrated and unconsecrated portions; and portions may be set apart for persons professing particular religious creeds, should such a course be deemed appropriate.
11. Any person who wants to purchase a plot of ground in a public cemetery, or having a vault or monument built in the same shall make application to the Council.
12. In all cases where a receipt from the Council for the purchase of a plot of ground is produced to the Inspector shall at once cause the plot of ground to be measured and marked, and shall allow the work to be started according to the attached conditions.
13. Common graves shall have specifications as set in Section 23 and shall be re-opened for new interments after five years from the date of the last interment.
14. Any fees leviable shall be charged accordingly as specified in the second schedule and shall be paid to the Inspector who will issue a receipt as set out in the third schedule of these regulations.
15. The opening of vaults for deodorizing, or other purposes than the depositing or removing of bodies, may be authorised by the Inspector and will be subject to no payment, except the sum of Rs 100.00 for the cost of labour and of the disinfecting agent, when supplied. Such sum to be paid to the Council.
16. There shall be kept ready dug as many graves as be required for the wants of the locality cemetery.
17. The Council may order to be constructed in any cemetery a building which may be used as a dead house, or as a room for post-mortem examination, or for the reception of bodies exhumed for judicial

or other purposes.

- 18.** Whenever any tomb or vault is left in a dilapidated condition the Council shall compel the owner of any such tomb or vault to put same in proper repair; and in case of refusal by the owner to do so, the Council shall make the repairs and claim the cost from the owner.
- 19.** (i) All contractors, or other persons who undertake to perform private work within the cemetery, shall be responsible for any damages caused by their workmen and all contractors and others aforesaid shall be bound to remove all rubbish and put the spot in proper order, after the work is completed.
- (ii) Permission for the re-opening of vaults or tombs shall be granted by the Council whenever required by the owner, however, short a time may have elapsed since the last burial, provided Sections 38, 39 & 40 of these regulations be not infringed and on the payment of the sum fixed in the second schedule.

PART II

INTERMENTS

- 20.** Burials shall only take place between sunrise and sunset, except in special circumstances and with the permission in writing of the Ministry of Health.
- 21.** No burial shall take place until after the production to the Inspector of the permit of burial issued by the Officer of the Civil Status of the District in which the death has occurred.
- 22.** (i) No corpse shall be removed from the District in which epidemic or contagious disease has been declared to be prevalent by the Ministry of Health, for interment or disposal in any other district, unless permission for such removal be first obtained from the said Ministry. It is required that the application be accompanied by a Medical Certificate setting forth the cause of death. Notice of every such permission shall be transmitted, by the person granting it, to the Civil Status Officer of the district to which it is intended to remove the corpse, and the notice shall give the reason for the removal.
- (ii) The permit, or its certified copy, for such removal, must on demand, be shown to any Local Authority, Sanitary Officer or Police Officer. In the event of no such permit, nor certified copy thereof being produced, it shall be competent for any Local Authority, Sanitary Officer or for the Police to stop the progress of the funeral party towards the proposed place of disposal, and to order interment of the corpse in the nearest cemetery to the place of arrest.

- 23.** Each inhumation shall take place in a grave which shall be of the required length and not less than 64 centimetres wide, and of such a depth as not to allow any part of a coffin containing a body to be at less depth than one metre below the level of the surface of the ground adjoining the grave, except in cases of contagious disease when a depth of one metre 50 centimetres must be left before reaching the coffin.
- 24.** (i) No grave shall be used unless it can be sunk to the required minimum depth without meeting sub-soil water.
- (ii) It shall be lawful to sink a grave to any greater depth provided that no subsoil water is met with.
- (iii) A space of at least 51 centimetres shall be left between each two graves, and of 75 centimetres between each two rows of graves in which inter-spaces no interment shall be allowed.
- 25.** It shall not be lawful for burial grounds to be situated within 75 metres from any river, stream, canal, spring, well or other source of drinking water.

PART III

INTERMENTS IN GRAVES IN WHICH BURIALS HAVE ALREADY TAKEN PLACE

- 26.** The provisions of this part shall not be applicable to exhumations ordered by any Judge or Magistrate to meet the ends of Justice.
- 27.** Council shall ensure that the grave in which the corpse of a person who has died of a contagious disease has been buried, for the purpose of identification, be marked by the letters C.D. cut in stone or painted on wood.

PART IV

PRIVATE GRAVES

- 28.** (i) No grave in which has been buried the corpse of a person having died of any contagious disease shall be opened for another interment without the special authorisation of the Ministry of Health, and then only under such sanitary precautions as the Ministry of Health may prescribe; and no such permission shall be granted unless a lapse of 6 years shall follow the first one.
- (ii) In cases of Cholera it shall be forbidden to have the grave re-opened within any period before ten years.

29. (i) The re-opening of a grave not containing the remains of a person dead of communicable disease, for a fresh burial, shall not be permitted until two years after the last burial in the same grave of a child under six years of age, nor until five years after the interment of a person above that age.
- (ii) The cemetery register shall be considered sufficient of all facts relating to previous burials; but in the event of the register being incomplete, the person applying to have the grave opened shall supply an extract from the Civil Status register or, if this be unobtainable, a certificate from the Medical Officer who attended the person last buried in the illness from which he died. If none of these documents furnish the proof required that no person having died of a contagious disease has been interred in the grave, no new burial shall be allowed by the Inspector before the periods specified in Section 31 unless under authority of the Ministry of Health.
- (iii) When upon consulting the Cemetery register of the documents mention the required information found to be such as to allow of a new burial according to these regulations, the Inspector may then forthwith permit such burial to take place after payment of the relevant fees as per second schedule.
30. (i) Where in the sinking of a grave, there be met with, before the minimum depths aforesaid shall have been reached, a coffin which is entire, or under composed human remains having a cadaverous odour, the sinking shall not be proceed with, and neither the coffin, nor the remains shall be removed, disturbed or broken and the Inspector shall, in such cases, forthwith cause to place over the same a sufficient quantity of some deodorizing substance and then fill up the grave.
- (ii) No such grave shall be allowed to be used for a period of 12 months after that date.
31. In the case of a new interment in a grave which has been previously used for burial, the minimum depth of such grave as set forth in Section 23 of these regulations must also be attained without coming to an unbroken coffin, or to under composed human remains bones or other reliquiae Humanae still exhaling a cadaverous odour.
32. In case of fragments of a coffin, or of human remains which have not a cadaverous odour, being reached either within or beyond the minimum depth, such human remains or fragments of a coffin may be removed and decently covered over until after the new interment has been proceeded with, when they shall be carefully replaced in the same grave from which they were taken and the grave deepened, if no subsoil water is met with, so as to obtain the minimum depth of 1 metre 25 centimetres between the lid of the uppermost coffin and the surface of the adjoining ground, after which the exhumed coffin shall be carefully replaced and the new interment effected.

- 33.** No corpse shall be buried within 75 metres of any well, river, canal, marsh or stream, unless in a vault, the side walls ends, and bottom of which shall consist of well-cemented stones or bricks, and be at least 32 centimetres in thickness and lined with a coating of cement of 7 millimeters thick, nor unless the sidewalls and end-walls project above the surrounding ground to a height of 50 centimetres.

PART V

COMMON GRAVES

- 34.** Where for want of space in a burial ground, or from any unforeseen reasons, it should become necessary again to use for burial purposes the ground previously used in a cemetery for common graves, the reopening of this plot of ground shall not take place before 5 years from the date of the last burial therein.
- 35.** Before proceeding to break down for graves in land which has already been used for common graves, the Inspector shall cause to pierce the ground with trial rods at either ends, each piercing to be made at a distance of 15 or 20 centimetres from the ends of the intended graves and also in the center of the spot proposed to be used for burial. He shall cause to make two piercings in each of these situations; and should he find, from the resistance offered, that there is a coffin ground at a less depth from the surface than the minimum depth aforesaid, or that the trial rods have a cadaverous smell, he shall on no account within a period of one year proceed to dig a grave in that situation. He shall carefully note in the cemetery register all such trials, with the dates and results thereof.

PART VI

VAULTS

- 36.** The vault in which the corpse of a person who had died of a contagious disease has been buried, shall, for the purpose of identification, be marked by the letters C.D. cut in stone or painted on wood and affixed thereon.
- 37.** The floor-surface of a vault must be not less than 2 metres below the surface of the surrounding ground; and the masonry or brick work of such vault be of sufficient thickness (nor less than 25 centimetres) to guard against the filtration of water, and be painted with hydraulic lime or cement and also coated inside with a layer of 7 milimetres thick; and the internal height of such vault, from flooring to ceiling must not be more than 3 metres.
- 38.** (i) No corpse shall be deposited in a vault unless enclosed in a leaden coffin.

- (ii) and the capacity of a vault shall determine the number of corpses which may be deposited there in under same condition as in Section 38(i)
- 39.
 - (i) Vaults not containing the remains of persons who have died from communicable disease may be opened at any time as may be determined for interment of another body or for the removal of the corpse. In any case disinfectants must be used immediately after such re-openings.
 - (ii) The cemetery register shall be considered as the official document for keeping of records on previous burials and any other relevant information. In case of any additional information required by the Inspector for re-opening of the vault, the person making the request may be asked to provide same through obtaining an extract from the Civil Status Office or medical document certifying the cause of death of the person buried.
 - (iii) In case none of the documents provide the required information relatively that the death occurred from non-contagious disease, authorization to re-open the vault shall be obtained from the Ministry of Health.
- 40.
 - (i) If the corpse of a person who has died of any contagious disease be deposited in a vault, such vault shall be immediately thereafter effectually closed, and shall not be re-opened for another interment without the special permission of the Ministry of Health, and under such sanitary precautions as in may be prescribed, which permission shall not be given unless the second interment or interments shall follow the first after a lapse of 6 years.
 - (ii) But in case of death by Cholera, the vault shall not be reopened within any period before ten years.

CHAPTER VII

THE MANNER OF CONDUCTING FUNERALS

- 41. In case where a person who has died from non-contagious disease, the corpse shall be carried to, nor interred in a cemetery otherwise than in a decent and safe manner. In cases where no closed coffin is used, the corpse must be carefully shrouded and covered with a clean cloth, or decently covered, surrounded by charcoal or otherwise deodorized, it may be placed in a wicker coffin, or it may be placed in a coffin which can be opened, and the corpse may be removed from such coffin for interment provided it be duly shrouded and disinfected. Corpses may be conveyed to the cemetery on men's shoulders, otherwise in authorized vehicles.
- 42.
 - (i) In case of death from cholera or small pox, the corpse shall not under any circumstances be carried on men's shoulder to the cemetery. But in specially designed vehicles as approved by

the Ministry of Health such corpses may be interred either with or without coffins.

- (ii) When no coffin is used, the body shall be swathed in thick cloth coated with tar and surrounded with another cloth or clothes thoroughly soaked in a solution of any of the disinfectants authorised by the Ministry of Health, being also surrounded with a sufficient quantity of sawdust to the thickness of 25 millimetres carefully saturated with any disinfectant authorized by the Ministry of Health, and the whole swathed in a third outer cloth. The body thus swathed shall be decently covered with a clean cloth, which shall be buried along with the body in the grave.
- (iii) When a coffin is used, it shall be strongly and well made of wood not less than 25 millimetres in thickness fastened securely with screws with or without a leaden lining. The coffin shall have at the bottom a layer of charcoal or sawdust having a thickness of 5 centimetres saturated with a solution of any of the authorised disinfectants agents authorised by Ministry of Health. The corpse to be surrounded with a layer of sulphate of copper or zinc, mixed with equal parts of sawdust to the thickness of 25 millimetres and the clothing and other coverings of the coffin sprinkled with a solution of one of the disinfectants above mentioned.
- (iv) In the case of contagious disease other than cholera or small pox, a coffin must be used and the requirements of Section 42(3) shall apply.

43. It shall also be permitted, in the case of Muslim and other burials, to place in the grave over a well shrouded and deodorised corpse, a strong wooden framework; provided the height of such framework from the bottom of the grave do not exceed 55 centimetres, and that there at least 1 metre 25 centimetres of earth over it when the grave is filled up.

PART VIII

EXHUMATION

- 44.** (i) Permission for the reopening of a grave, for the exhumation or removal of any corpse, shall be considered by the Ministry of Health but if the corpse had been enclosed in a wooden coffin only or had been interred without a coffin, permission shall not be granted until two years after the last burial in the grave of a child under six years of age, not until five years after the interment in it of a person above that age.
- (ii) Exhumation of a corpse that has been properly embalmed may be allowed at any time if less than one year has elapsed since its burial. If a corpse has been interred, in a leaden coffin properly closed, the Ministry of Health may permit the exhumation at any time.
- (iii) Applications for special cases shall be dealt with prior to the decision of the Ministry of Health

according to the circumstances of each case. The provisions of this Section shall not be applicable to exhumations ordered by any Judge or Magistrate to meet the ends of Justice.

- 45.** Exhumations shall take place in the morning and as many gravediggers needed shall be employed in order to hasten the operation. Special tools with long handles shall be supplied to those employed in digging the grave, and the coffin, as soon as brought into view, shall be sprinkled with a strong solution of any of the disinfectants authorized by the Ministry of Health for this purpose. In case of judicial exhumation, the Government officer who has charge of the exhumation shall decide of the kind of disinfectant, if any, to be made use of.
- 46.** (i) Should the re-interment take place in the same cemetery the exhumed remains and coffin leaden or not, shall be placed in another new and airtight coffin.
- (ii) But should the re-interment take place in another cemetery there shall be provided, in addition another outer case large enough to contain besides sawdust, bran or small coral, or coarse sand which are to be provided and soaked with disinfectants authorised by the Ministry of Health.
- 47.** Any person who contravenes these regulations shall commit an offence and shall on conviction be liable to a fine not exceeding Rs 10,000.
- 48.** These regulations shall come in force as from 1st June 2008.
- 49.** Made by the Municipal Council of Vacoas-Phoenix on 29 April 2008.

(Regulations 3 (VI))

Municipal Council of Vacoas/Phoenix
Health Department

[illegible]

SCHEDULE II

(Regulation 14)

Chargeable fees shall be as follows:-

	Fees Rs
1st class vault or tomb of more than one metre 83 cms in height	300.00
2nd class vault or tomb not exceeding 1 metre 83 cms in height	180.00
3rd class vault or tomb not exceeding 1 metre 22 cms in height	120.00
4th class vault or tomb not exceeding 91 cms in height	75.00
5th class vault or tomb not exceeding 30 cms in height	45.00
6th class simple gravestone placed horizontally or vertically with inscription	30.00
7th Class tomb covered with plaster without a gravestone not exceeding 30 cms in height	15.00
8th class grave board with inscription	10.00
A cross of wood or iron not exceeding 61 cms in height, free above that height	15.00
For construction of a subterranean vault, in addition to the price of the ground	100.00
Should such vault extend above the level of the surrounding soil the additional fee mentioned for vaults or tombs above the ground shall be eligible.	
For an enclosure in plain boards (trellis or bars) of 61 cms high	50.00
For an enclosure in plain boards of 91 cms in height	75.00
For an enclosure in plain boards of 1 meter 22 cms in height	150.00
For 4 pillars with chains	20.00
For each additional pillar supporting the chains	10.00

For all iron railings having not more than one metre in height	20.00
For an enclosure of stones	20.00
For the re-opening of a vault or grave 1st class	100.00
" 2nd class.....	100.00
" 3rd class.....	100.00
" 4th class	100.00
" 5th class	100.00
" 6th class	100.00
" 7th class	100.00
" 8th class.....	100.00
Digging a grave	300.00

SCHEDULE III

(Regulations 14)

**Municipal Council of Vacoas/Phoenix
Health Department
Phoenix Cemetery**

RECEIPT

Received the sum of Rs

from Mr. / Mrs.

representing cemetery charges for

In grave no in row no

in section No:

.....

Date

.....

Signature of Inspector