



ST. HELENA

## CHAPTER 164

### **BURIAL GROUNDS ORDINANCE** and Subsidiary Legislation

#### **Non-authoritative Consolidated Text**

This is not an authoritative 'revised edition' for the purposes of the Revised Edition of the Laws Ordinance; it has been prepared under the supervision of the Attorney General for the purpose of enabling ready access to the current law, and specifically for the purpose of being made accessible via the internet.

Whilst it is intended that this version accurately reflects the current law, users should refer to the authoritative texts in case of doubt. Enquiries may be addressed to the Attorney General at Essex House, Jamestown  
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Visit our [LAWS page](#) to understand the St. Helena legal system and the legal status of this version of the Ordinance.

This version contains a consolidation of the following laws—

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<sup>1</sup> These contact details may change during 2011 or early in 2012. In case of difficulty, email [shgwebsite@sainthelena.gov.sh](mailto:shgwebsite@sainthelena.gov.sh) or telephone (+290) 2470.

**CHAPTER 164****BURIAL GROUNDS ORDINANCE**

## ARRANGEMENT OF SECTIONS

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**CHAPTER 164****BURIAL GROUNDS ORDINANCE**

*(Ordinances 6 of 1895, 7 of 1944, 2 of 1955,  
Legal Notice 4 of 1967 and Ordinances 2 of 1989 and 6 of 2003)*

AN ORDINANCE TO REGULATE THE USE OF BURIAL GROUNDS IN ST. HELENA.

**Commencement**

*[21 August 1895]*

**Short title**

1. This Ordinance may be cited as the Burial Grounds Ordinance.

**New cemeteries**

2. The Governor in Council may at any time by Proclamation declare any Crown land, and, with the consent of the owner, any private land to be a cemetery.

**Existing cemeteries**

3. The cemetery at Half-Tree-Hollow<sup>2</sup>, the Roman Catholic Cemetery near Plantation, the cemetery between St. Paul's Churchyard and the Roman Catholic Cemetery, and every cemetery proclaimed under this Ordinance, shall be vested in the Governor.

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<sup>2</sup> Declared to be a disused cemetery by L.N. 9/1985

## Governor may make rules

4. The Governor in Council may make rules regarding the digging of graves and for all other matters relating to the burial of the dead in any cemetery vested in the Governor, and for the general management and control of any such cemetery, and for the allotting of graves and for the erection of monuments therein, and for all other matters connected therewith, and for fixing the payments to be made for vaults, graves, burials, monuments, and any other matter connected with any cemetery, and the persons to whom such payments shall be made.

## Places where burials are lawful

5. It shall not be lawful to bury any human body in any other place than one of the following grounds, that is to say—

- (a) the New Cemetery;<sup>3</sup>
- (b) St. Paul's Churchyard;
- (c) St. Matthew's Churchyard;
- (d) the Baptist Churchyard at Knollcombe;
- (e) the Roman Catholic Cemetery near Plantation;
- (f) the cemetery between St. Paul's Churchyard and the Roman Catholic Cemetery;
- (g) the churchyard of the Church of St. Helena and the Cross (a private cemetery, the consecrated area);<sup>4</sup>
- (h) some cemetery proclaimed under this Ordinance,

and a person burying or assisting to bury any body contrary to the provisions of this Ordinance, shall be liable to a penalty of £50.

## Burial

6.<sup>5</sup> (1) Except with the approval of a medical officer, the relatives or other person responsible for the burial of the body of a dead person shall ensure that burial takes place as soon as is reasonably practicable and in any case within 7 days after death.

(2) Any person failing to comply with subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding £100.

## Closing burial grounds

7. The Governor in Council may order that, after a time to be mentioned in the order, burials in any ground shall be discontinued wholly, or subject to any exceptions or qualifications, and such ground shall thereupon become a disused burial ground.

## Disused grounds

8. All the burial grounds in Jamestown are declared to be disused burial grounds.

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<sup>3</sup> L.N. 10/1953

<sup>4</sup> L.N. 29/1951

<sup>5</sup> Section 6 substituted by Ord. 6 of 2003

### Use of disused burial grounds

9. (1) The Council Committee<sup>6</sup> may at any time give directions for any disused burial ground which has been a churchyard, or an extension thereof, to be laid out, altered or embellished, but it shall not be lawful to erect any buildings thereon except a church, chapel or other place of worship, to be used by the religious body formerly in control of the disused burial ground, or an enlargement of such church, chapel or other place of worship.

(2) Where a disused burial ground has not been a churchyard, or an extension thereof, the Council Committee may at any time give directions for it to be laid out, altered or embellished, or for the erection thereon of any church, chapel or other place of worship, to be used by the religious body formerly in control of the burial ground, or of any school or dwelling house, or for it to be used for any other purpose which the Council Committee shall, with the approval of a Secretary of State, from time to time declare to be a public purpose:

Provided that before there is erected on a disused burial ground any building, other than a church, chapel or other place of worship, to be used by the religious body formerly in charge of the disused burial ground, the Council Committee shall cause public notice of the intention to do so to be given for a period of not less than twenty-one days, and in the event of any objection being received from the religious body formerly in control of the disused burial ground, or from any other person claiming to have an interest in the disused burial ground, the matter shall be enquired into by a commission to be appointed by the Governor under the provisions of the Commissions of Enquiry Ordinance, consisting of three members one of whom shall be nominated by the religious body formerly in control of the disused burial ground.

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<sup>6</sup> *Public Works and Services Committee* — see LN 4/1967

This e-version of the text is not authoritative for use in court.

**NEW CEMETERY RULES – SECTION 4**

*(Legal Notices 11 of 1953, 12 of 1993, 6 of 1994, 13 of 1997 and 17 of 2010)*

1. These rules may be cited as the New Cemetery Rules.
2. The Chief Engineer<sup>7</sup> will decide how the cemetery shall be laid out, and graves will be dug in consecutive order as marked on wooden posts.
- 3.<sup>8</sup> When a grave is required application should be made at the office of the Superintendent of Police, where the Register of Graves will be kept. Particulars of the deceased's full names, age, and date of birth and death will be required, together with a copy of the Burial Order. A fee of £75.00 will be charged for each grave.
4. No official grave-digger will be provided at the New Cemetery, but the names of persons prepared to dig graves may be obtained at the Police Office in Jamestown. It will be the responsibility of the person applying for a grave to make the necessary arrangements for a grave digger.
5. No grave shall be less than six feet deep and no coffin shall be nearer the surface of the ground than four feet.
6. A plot of ground 6 feet 6 inches by 4 feet 6 inches will be reserved for each grave with a space of 2 feet between graves. Persons desiring to place concrete curbs around graves should conform to a standard size, particulars of which can be obtained from the office of the Superintendent of Works. Applications to erect headstones should be submitted to the Superintendent of Works with particulars and dimensions, together with a rough sketch.

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<sup>7</sup> Gazette Notice No. 63 of 1 July 2011: Title changed to Director of Infrastructure and Utilities

<sup>8</sup> Rule 3 amended by LN 17 of 2010