

**LAWS OF BRUNEI**

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**CHAPTER 49**

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**ARRANGEMENT OF SECTIONS**

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## BURIAL GROUNDS ACT

### An Act to provide for the licensing of burial grounds

3 of 1931  
(Cap. 49 of  
1951)

*Commencement: 1st January 1932*

1. This Act may be cited as the Burial Grounds Act. Short title

### BURIALS

2. (1) No place shall, save as hereinafter in this section provided, be used for the interment or cremation of any corpse except under a licence from His Majesty the Sultan and Yang Di-Pertuan in Council who shall have power at his discretion from time to time to grant or refuse such licences and to impose such conditions as he may think fit.

No place to be used for interment or cremation except by licence

(2) The Minister may for special reasons in any particular case by writing under his hand authorise the interment of the corpse of any person in such writing named in any building or place, whether licensed or not under subsection (1), under such conditions as he thinks necessary for the protection of the public health and upon payment of such fee not exceeding \$50 as he may consider reasonable in each case.

3. Every licence for the use of a place as a burial or place of cremation shall be in the form prescribed by rules made under this Act and shall be issued to the owner or person having control or charge of the burial or place of cremation in respect of which the same is granted, or if there be no registered owner or other person having the lawful control or charge of such burial or place of cremation then to such person or body of persons as the Minister shall think fit:

Form of licence and to whom licences may be issued

Provided that the issue of the licence to any person or persons shall not be taken to convey or establish any title to land or to corroborate, qualify or bar any right thereto.

Municipal  
Boards may  
provide  
places of  
cremation

4. A Municipal Board may, with the approval of His Majesty in Council provide within the area subject to its control fit places to be used as burial or places of cremation, having due regard to the nationalities and religious usages of the several classes of the community, and may, with the like approval, make rules for the management of such burial and places of cremation not inconsistent with any rules made by His Majesty in Council under this Act.

Public burial  
grounds

5. Every burial or place of cremation provided by a Municipal Board and every burial or place of cremation in respect of which the Minister is satisfied on inquiry that its use is open without discrimination to all members of a particular nationality or of a particular religious community or to all persons of a particular nationality who are also members of a particular religious community shall be deemed a public burial ground, and no fee shall be payable in respect of a licence issued for such burial or places of cremation, but the licence issued shall state the classes to which the use of such burial ground is open.

Private burial  
grounds

6. Every burial or cremating other than a public burial or place of cremation as defined in section 5 shall be deemed a private burial or place of cremation, as the case may be, and there shall be paid in respect of every licence for such burial ground or place of cremation issued under this Act a fee of \$100:

Provided that the Minister may remit the aforesaid in wholly or in part in the case of estate burial grounds.

Power to  
close burial  
grounds, and  
revoke li-  
cences

7. His Majesty in Council may at any time on being satisfied that any burial ground or place of cremation cannot be further used without danger to the public health or comfort, or that the same being licensed is being used in contravention of the terms or conditions of the licence, order the same to be closed or may revoke the licence.

8. (1) Whoever, save as provided in section 2, buries or cremates or causes, procures or suffers to be buried or cremated any corpse or the remains of any corpse, or prepares any place to be used for the interment of a corpse in or upon any place not being a licensed burial or place of cremation, or in or upon any burial or place of cremation which has been closed by order of His Majesty in Council under section 7 or the licence for which has been revoked, shall be liable on conviction before a magistrate to a fine of \$2,500 and the magistrate may by written order under his hand direct such person within a time to be fixed in such order —

Penalty for  
unlawful burial

(a) to remove the corpse or remains of the corpse in respect of which the offence has been committed from the place which it has been buried or cremated to a licensed burial or place of cremation;

(b) to remove any structure erected in contravention of the provisions of this section and to restore the ground to its original state.

(2) If any person refuses or neglects to obey any such order he shall for such default be liable on conviction to a penalty of \$1,000 together with such further sum not exceeding \$250 a day for every day during which such default shall continue as the magistrate shall order, and the magistrate may proceed to carry the order into execution at the expense of such person and to hire and employ proper persons for that purpose and may recover all expenses incurred in carrying the order into execution in the manner provided by law for the levy of fines imposed by a magistrate.

9. Nothing in this Act contained shall prevent the burial or interment in or upon State land, or in or upon any land belonging to a private person with the consent of such person, of any corpse or the remains of a corpse found in an advanced state of decomposition under an order in writing for such burial or interment made by a magistrate.

Exemption

Power to  
make rules

10. (1) His Majesty in Council may from time to time make and, when made, vary or rescind rules for any of the following purposes, namely —

(a) to provide for the registration, inspection and regulation of public and private burial grounds;

(b) to prescribe the depth of graves and places of interment and the space to be reserved between them;

(c) to prescribe the mode of making and keeping the register of burial and places of cremation;

(d) to prescribe the form in which the register of burials and cremations shall be kept at each licensed burial or place of cremation, and the particulars with regard to each burial and cremation which shall be entered in such register;

(e) to prescribe the form of licences and the form and mode of publication or service of orders made under this Act;

(f) to prescribe the fees, if any, to be taken in any licensed public burial or place of cremation;

(g) generally to carry out the provisions of this Act in relation to all matters connected with the management, upkeep and good order of burial and places of cremation, due regard being had to the religious usages to the several classes of the community;

and may attach to the breach of any such rules a penalty on conviction before a magistrate not exceeding \$500.

(2) All such rules shall be published in the *Gazette*.

## EXHUMATIONS

11. (1) Except as hereinbefore provided no person shall exhume any corpse or the remains of any corpse other than —

Exhumation unlawful except by order of magistrate or under a licence

(a) by order of a magistrate for the purpose of a judicial enquiry;

(b) under licence granted by the Minister under his hand authorising such exhumation.

(2) His Majesty in Council may from time to time make rules to prescribe the form and conditions of licences to be issued under this section and the fees payable in respect of such licences and generally for carrying into effect the provisions of this section; and all such rules shall be published and when so published shall have the force of law.

Further power to make rules

(3) Any person who shall exhume or cause to be exhumed any corpse or the remains of any corpse contrary to the provisions of this section or of any rules made under this section, or who shall neglect to observe any precaution prescribed as a condition of the licence to exhume or who shall fail to comply with any reasonable directions issued to him by a health officer for the purpose of preventing danger to the public health, shall be liable on conviction before a magistrate to a fine of \$1,000.

Penalty for unlawful exhumation

## GENERAL PROVISIONS

12. No prosecution shall be instituted under section 8 or section 11 of this Act without the previous sanction in writing of the Attorney General or of an officer to whom the power of granting such sanction shall have been delegated by him.

Sanction of Attorney General required to prosecute

13. The Minister may delegate any of the powers conferred upon him by this Act, other than the power of granting

Delegation of powers

licences for the exhumation of corpses, to a Municipal Board to be exercised within the area subject to its control under such conditions as he may think fit.



