

BILL NO. 30 OF 2025

A BILL

FOR AN ACT TO AMEND THE BURIAL AND CREMATION ACT 1911

ENACTED by the Parliament of the Republic of Fiji—

Short title and commencement

1.—(1) This Act may be cited as the Burial and Cremation (Amendment) Act 2025.

(2) This Act comes into force on a date or dates appointed by the Minister by notice in the Gazette.

(3) In this Act, the Burial and Cremation Act 1911 is referred to as the “Principal Act”.

Section 2 amended

2. Section 2 of the Principal Act is amended by—

- (a) in the definition of ““body” or “dead body””, deleting “and”;
- (b) after the definition of ““body” or “dead body””, inserting the following new definitions—

““body parts” means any part of a human body, whether whole or in sections, including organs, tissues, limbs, bones, ashes or any other anatomical material, whether or not such part is attached to a body, and whether or not it has undergone any process of preservation or dissection;

“burial-grounds” means a cemetery or graveyard that is set aside by the State and is designated for body parts to be interred and includes any structures, vaults, columbaria, mausoleums, memorials, gardens, and other buildings or grounds incidental to such use;”;

- (c) in the definition of “crematorium”, deleting “.” and substituting “; and”; and
- (d) after the definition of “crematorium”, inserting the following new definitions—

““Minister” means the Minister responsible for health; and.”; and

~~“Permanent Secretary” means the permanent secretary responsible for health.”.~~

Section 4 amended

3. Section 4 of the Principal Act is amended by deleting “\$200” and substituting “\$5,000”.

Section 5 amended

4. Section 5 of the Principal Act is amended by—

- (a) in subsection (1), deleting “200 yards” and substituting “200 metres”;
- (b) in subsection (2), deleting “50 yards” and substituting “50 metres”; and
- (c) after subsection (2), inserting the following new subsection—

“(3) This section does not apply to any burial-ground or crematorium that was lawfully established, or for which construction had lawfully commenced on or before the commencement of the Burial and Cremation (Amendment) Act 2025.”.

Section 7 amended

5. Section 7(3) of the Principal Act is amended by deleting “\$100” and substituting “\$1,000”.

Section 8 amended

6. Section 8 of the Principal Act is amended by ~~deleting “\$50” and substituting “\$1,000”.~~—

- (a) renumbering section 8 as section 8(1);
- (b) deleting “\$50” and substituting “\$1,000”; and
- (c) after subsection (1), inserting the following subsection—

“(2) Where a person is found guilty of an offence under subsection (1), a court may, taking into account the circumstances of the offence, make an order for the offender to undertake community-based corrections under the Community-Based Corrections Act 2018, or any other order the court thinks fit.”.

Section 13 amended

7. Section 13 of the Principal Act is amended by—

- (a) in the chapeau, after “body”, inserting “or body parts”;
- (b) in paragraph (b), deleting “and”;
- (c) in paragraph (c), deleting “.” and substituting “;”; and
- (d) after paragraph (c), inserting the following new paragraph—

“(d) the body or body parts are dealt with in such a manner that ensures that any waste products thereof are disposed of in a safe and proper manner.”.

Section 15 amended

8. Section 15 of the Principal Act is amended by—

- (a) deleting “permanent secretary” wherever it appears and substituting “Minister”; and
- (b) deleting “\$200” and substituting “\$1,000”.

Section 16 amended

9. Section 16 of the Principal Act is amended by—

- (a) deleting “permanent secretary” wherever it appears and substituting “Minister”; and
- (b) deleting “\$200” and substituting “\$1,000”.

Office of the Attorney-General
Suvavou House
Suva

September-October 2025

BURIAL AND CREMATION (AMENDMENT) BILL 2025

EXPLANATORY NOTE

(This note is not part of the Bill and is intended only to indicate its general effect)

1.0 BACKGROUND

- 1.1 The Burial and Cremation Act 1911 (**‘Act’**) regulates the licensing, regulation, and management of burial grounds and crematoria in Fiji, ensuring public health and orderly interment practices.
- 1.2 The Burial and Cremation (Amendment) Bill 2025 (**‘Bill’**) seeks to amend the Act to provide for updated policy and procedural considerations.

2.0 CLAUSES

- 2.1 Clause 1 of the Bill provides for the short title and commencement. If passed by Parliament, the amending legislation will come into force on a date or dates appointed by the Minister by notice in the Gazette.
- 2.2 Clause 2 of the Bill amends section 2 of the Act by inserting new definitions for “burial grounds”, “body parts”, “Permanent Secretary” and “Minister”.
- 2.3 Clause 3 of the Bill amends section 4 of the Act by increasing the fine for burying in unlicensed ground from \$200 to \$5,000.
- 2.4 Clause 4 of the Bill amends section 5 of the Act by replacing the imperial units of measurement of yards to the International System of Unit of metres.
- 2.5 Clause 5 of the Bill amends section 7 of the Act to increase the level fines that may be imposed in Regulations under the Act up to \$1,000.
- 2.6 Clause 6 of the Bill amends section 8 of the Act by increasing the fines for offences up to \$1,000.
- 2.7 Clause 7 of the Bill amends section 13 of the Act by including body parts, which includes ashes, to items which may be disinterred.

- 2.8 Clause 8 of the Bill amends section 15 of the Act by shifting the responsibility from the Permanent Secretary to the Minister of notifying persons that a breach in a condition to bury a body or body parts attracts a fine of \$1,000, up from \$200.
- 2.9 Clause 9 of the Bill amends section 16 of the Act by shifting the responsibility from the Permanent Secretary to the Minister of notifying persons employed to disinter a body or body parts on behalf of another person, that a breach in a condition to bury such body or body parts attracts a fine of \$1,000, up from \$200.
- 3.0 MINISTERIAL RESPONSIBILITY**
- 3.1 The Act comes under the responsibility of the Minister responsible for health.

S. D. TURAGA
Acting Attorney-General