



MONTSERRAT

CHAPTER 14.13

CADAVERS (IMPORTATION) ACT and Subsidiary Legislation

Revised Edition

showing the law as at 1 January 2019

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Act.

This edition contains a consolidation of the following laws—

CADAVERS (IMPORTATION) ACT

Act 9 of 1980 .. in force 24 April 1980

Amended by Act 9 of 2011 .. in force 27 September 2011 (S.R.O. 40/2011)

CADAVERS (IMPORTATION) (FEES) REGULATION – Section 10

S.R.O. 14/2013 .. in force 1 April 2013

Page

3

7



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S.R.O. 14/2013 .. in force 1 April 2013

Page

3

7

CHAPTER 14.13

CADAVERS (IMPORTATION) ACT

ARRANGEMENT OF SECTIONS

SECTION

1. Short title
2. Interpretation and application
3. Cadaver import permits
4. Refusal of landing rights without permit
5. Chief Medical Officer to be satisfied on certain matters
6. Conditions to be attached to permit
7. Inspection of container and premises
8. Fees
9. Offences and penalties
10. Regulations

CHAPTER 14.13

CADAVERS (IMPORTATION) ACT

(Acts 9 of 1980 and 9 of 2011)

AN ACT TO REGULATE THE IMPORTATION OF CADAVERS AND FOR MATTERS INCIDENTAL THERETO AND CONNECTED THEREWITH.

Commencement

[24 April 1980]

Short title

1. This Act may be cited as the Cadavers (Importation) Act.

Interpretation and application

2. (1) In this Act—

“cadaver” means a dead human body or any part thereof;

“cadaver import permit” means a permit issued under section 3;

“impervious container” means any container or box which has been hermetically sealed and so maintained by plastic or rubber gasket or by

metal or similar material which has been soldered or welded and any container which consists of a plastic or other container sealed by heat or adhesive material before being placed in a non-impervious container.

(2) This Act shall not apply to the ashes of a deceased person imported for burial in Montserrat.

Cadaver import permits

3. No person shall import any cadaver into Montserrat except under the authority of a written permit to do so issued by the Chief Medical Officer (herein referred to “**cadaver import permit**”).

Refusal of landing rights without permit

4. (1) The master of any vessel or aircraft on which a cadaver arrives in Montserrat from a place outside Montserrat shall, if there is not in existence in respect of such cadaver a valid cadaver import permit, be refused permission to land such cadaver by the customs officer at the port of entry.

(2) A customs officer at a port of entry shall be entitled to examine the container in which any cadaver is imported so as to satisfy himself that such container contains only a cadaver and necessary clothing (if any) and that there is a cadaver import permit in existence in relation to such cadaver:

Provided that, a customs officer shall not open any impervious container without the approval of the Chief Medical Officer.

Chief Medical Officer to be satisfied on certain matters

5. Before issuing a cadaver import permit in respect of any cadaver the Chief Medical Officer shall be required to satisfy himself, upon documentary evidence emanating from the place from which the cadaver is to be imported, of the following matters—

- (a) that the exportation of the cadaver from the place or country from which it is to be imported is authorised by the law of that place or country for the purpose for which it is being exported;
- (b) of the cause of death of the deceased, and if the cadaver is intended to be used for medical research or instruction, that the cadaver is that of a person who died of natural causes or accident;
- (c) that the importation and dissection of the cadaver is not likely to endanger the life or health of any person in Montserrat, by reason of any disease or malignancy existing in the cadaver at the time of the death;
- (d) that the exportation of the cadaver for the purpose for which it is being exported has been consented to by the executors, administrators or relatives of the deceased, where the obtaining of such consent is reasonably practicable.

Conditions to be attached to permit

6. (1) The Chief Medical Officer shall attach conditions to the grant of a cadaver import permit with regard to—

- (a) the type of container in which the cadaver is to be imported;
- (b) the purpose for which the cadaver is to be imported, whether or not such importation is for medical research or instruction;
- (c) the place where and the manner in which the cadaver is to be kept after importation;
- (d) the place where and the manner in which the cadaver is to be ultimately disposed of.

(2) The Chief Medical Officer may add to or vary the conditions attached to the grant of a cadaver import permit after the grant thereof until final disposal of the cadaver to his satisfaction.

(3) Section 19 of the Registration of Births and Deaths Act shall have no application to a cadaver imported for purposes of medical research or instruction, but shall apply to the interment of any dead body imported for burial notwithstanding that a cadaver import permit may have been granted in relation to it.

Inspection of container and premises

7. The Chief Medical Officer may at any time by himself or a person authorised by him in writing open and inspect any container which purports to contain a cadaver and enter upon any premises where a cadaver is being kept in order to satisfy himself that the cadaver is being imported, kept and disposed of in accordance with the conditions of the cadaver import permit relating to it.

Fees

8. No customs duty shall be payable upon the importation of a cadaver, but the Governor acting on the advice of Cabinet may by order prescribe the fees to be payable upon the issue of a cadaver import permit. (*Amended by Act 9 of 2011*)

Offences and penalties

9. (1) If a cadaver shall be imported, kept, used or disposed of contrary to the conditions attached to the cadaver import permit relating to it, the person in whose name the permit was granted or in the case of a limited company each of the officers of the company shall be guilty of an offence and liable to a fine of \$5,000 or to imprisonment for two years or to both such fine and imprisonment.

(2) Any person who prevents a Customs Officer or the Chief Medical Officer or any person authorised by him in writing from carrying out their respective functions prescribed by this Act shall be guilty of an offence and

liable to a fine of \$1,000 or to one year's imprisonment or to both such fine and such imprisonment.

Regulations

10. The Governor acting on the advice of Cabinet may make regulations prescribing—

- (a) the method of application for and the form of a cadaver import permit;
- (b) the documentary evidence required before the grant of a cadaver import licence;
- (c) the fees to be paid for the grant of a cadaver import permit;
- (d) the conditions to be attached to the grant of a cadaver import permit;
- (e) any other matter relating to the administration and implementation of this Act.

(Amended by Act 9 of 2011)

CADAVERS (IMPORTATION) (FEES) REGULATIONS – SECTION 10

(S.R.O. 14/2013)

Commencement

[1 April 2013]

Short title

1. These Regulations may be cited as the Cadavers (Importation) (Fees) Regulations.

Fees

2. Upon the issue of a cadaver import permit by the Chief Medical Officer under section 3 of the Cadavers (Importation) Act, there shall be paid by or on behalf of the person applying for the permit a fee of \$1,000 for each cadaver imported.
