

**CEMETERIES AND CREMATORIA ACT,
B.E. 2528 (1985)****

BHUMIBOL ADULYADEJ, REX.

Given on the 10th Day of September B.E. 2528 (1985);

Being the 40th Year of the Present Reign.

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that:

Whereas it is expedient to revise the law on cemeteries and crematoria control;

Be it, therefore, enacted by the King by and with the advice and consent of the National Assembly, as follows:

Section 1. This Act is called the “Cemeteries and Crematoria Act, B.E. 2528 (1985)”.

Section 2. This Act shall come into force as from the day following the date of its publication in the Government Gazette.^o

Section 3. The following shall be repealed:

- (1) Cemeteries and Crematoria Control Act, B.E. 2481 (1938)
- (2) Cemeteries and Crematoria Control Act (No. 2), B.E. 2484 (1941)

Section 4. In this Act:

* Translated by Chandler and Thong'ek Law Office Limite under contract for the Office of the Council of State of Thailand's Law for ASEAN project. -Initial Version – pending review and approval by the Office of the Council of State.

** As amended up to the Cemeteries and Crematoria Act (No. 2) B.E. 2550 (2007).

^o Published in the Government Gazette, Vol.102, Part 129 Special Edition, Page 37, dated 19th September B.E. 2528 (1985)

“public cemetery and crematorium” means a place for storage, burial or cremation of human remains for general public excluding a place for temporary storage of human remains in an infirmary as prescribed in the law on infirmary.

“private cemetery and crematorium” means a place for storage, burial or cremation human remains of ancestors or families or friends of ancestors or families excluding a place for temporary storage of human remains at a dwelling place.

“public health official” means a public health official as prescribed in the law on public health as appointed by the Minister to be in charge of execution of this Act.

“competent official” means a person appointed by the Minister to be in charge of execution of this Act.

“local official” means

(1) Bangkok Governor or an area chief or a deputy area chief appointed by the Bangkok Governor for Bangkok area;

(2) Provincial Governor or a district officer, or a deputy district officer who is head of Sub-district as appointed by the Provincial Governor for provincial areas outside municipality, sanitary limit, and Pattaya City;

(3) Mayor or Member of Municipal Council or municipal employee as appointed by the mayor for the area within the municipality;

(4) Chairman of the sanitary board or member of the sanitary board or sanitary employee as appointed by the Chairman of the sanitary board for the area within the sanitary limit;

(5) Pattaya City Manager or Pattaya City employee as appointed by Pattaya City Manager for the area within Pattaya City.

“Minister” means the minister in charge of execution of this Act.

Section 5. This Act shall not apply to public cemeteries and crematorium that are established and operated by ministries, sub-ministries, departments, Bangkok Metropolitan Administration, Provincial Administration Organizations, municipality, sanitation organization, or Pattaya City.

Section 6. It is prohibited to establish a public cemetery and crematorium or a private cemetery and crematorium without a licence from the local official.

Application for a licence and granting of a licence shall be in accordance with the rules, methods, and conditions prescribed in the Ministerial Regulation.

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Section 7. A public cemetery and crematorium or a private cemetery and crematorium which have been established shall not be operated until a licence has been granted by the local official.

Application for a licence and granting of a licence shall be in accordance with the rules, methods, and conditions prescribed in the Ministerial Regulation.

The person who is granted a licence as prescribed in section 6 and is a natural person may apply for an operator licence.

Section 8. The person who applies for a licence as prescribed in section 6 or section 7 shall possess the following qualifications.

- (1) Be no less than 20 years of age;
- (2) Not having infamous conduct or defect in morality;
- (3) Not being a person of unsound mind or mental infirmity;
- (4) Not being a person who is incompetent or quasi-incompetent.
- (5)^b (Repealed)

In case a juristic person applies for a licence as prescribed in section 6, a representative of such juristic person shall also possess the qualifications in paragraph one.

Section 9. The person who is granted a licence in section 6 or section 7 shall display the licence in a conspicuous place at the office of the public cemetery and crematorium or the private cemetery and crematorium.

Section 10. It is prohibited for any person to store, bury, or cremate human remains in places other than a public cemetery and crematorium or a private cemetery and crematorium or temporarily in an infirmary under the law on infirmary or in a dwelling place unless a written approval from a local official is granted.

In case such other place in paragraph one is in an area of a province which is outside a municipality, a sanitary limit, and Pattaya City, the provincial governor may appoint an administrative officer or a local sub-district headman to grant an approval on his behalf.

^b Section 8 (5) is repealed by Cemeteries and Crematoria Act (No. 2) B.E. 2550 (2007)

Section 11. Bangkok Metropolitan Administration, Provincial Administrative Organizations, municipality, sanitation organization, or Pattaya City shall have power to issue Bangkok Metropolitan Administration ordinance, provincial ordinance, municipal ordinance, sanitation ordinance, or Pattaya City ordinance, as the case may be, to specify details that do not conflict or contradict the Ministerial Regulation issued in accordance with this Act on the following matters:

- (1) Fees not exceeding the rate of fees specified in the Ministerial Regulation;
- (2) Areas or places where establishment of a public cemetery and crematorium or a private cemetery and crematorium is prohibited;
- (3) Characteristics, location, and conditions of establishment of a public cemetery and crematorium or a private cemetery and crematorium;
- (4) Methods for storage, burial, cremation, exhumation, or relocation of human remains and use or maintenance of vehicles and equipment required for such actions which meet hygienic practice;
- (5) Duties of the person granted a licence in section 6 or section 7 in relation to registration, submission of reports, and other actions for the benefit of security and economy of the nation and public sanitation and hygiene.

Section 12. The licence in section 6 and section 7 shall be valid until 31 December of the third year from the year in which the licence is issued. If the licence holder wishes to renew the licence, an application for renewal shall be submitted before the expiry of the licence. Upon submission of an application, such person shall continue to be the establishing person or the operator until a local official issues a written order not to grant renewal of the licence.

Application for renewal of a licence and renewal of a licence shall be in accordance with the rules, methods, and conditions prescribed in the Ministerial Regulation.

Section 13. In case a local official does not issue a licence in section 6 or section 7 or does not renew a licence in section 12, the applicant for a licence or the applicant for renewal of a licence has the right to appeal in writing to the Minister within thirty days from the date on which the order not to issue a licence or not to approve the renewal of a licence from the local official is acknowledged.

The Minister's decision shall be final.

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Section 14. It is prohibited for a person to make alteration or addition to a public cemetery and crematorium or a private cemetery and crematorium unless the person who is granted a licence in section 6 shall apply for and receive a written approval from the local competent official.

Section 15. In performance of duties, the public health official, a competent official or a local official has power to enter a public cemetery and crematorium or a private cemetery and crematorium during the sun rise to the sun set to inspect or take action in execution of this Act. In such case, the person who is granted a licence in section 6 or section 7 and related person in the vicinity is required to facilitate as appropriate.

In performance of duties of the public health official, the competent official or the local official in paragraph one, if it appears that the person who is granted a licence in section 6 or section 7 improperly complies with the provisions of this Act, the public health official or the competent official shall notify the local official to order that the person who is granted a licence properly comply with the provisions.

Section 16. If it appears that a public cemetery and crematorium or a private cemetery and crematorium is in a condition or used in a manner that is or may be dangerous to public, a local official shall have power to order the person who is granted a licence in section 6 or section 7 to make alteration or change such cemetery and crematorium within the specified period.

Should the person who is granted a licence in section 6 or section 7 fail to make alteration or change such cemetery and crematorium within the specified period in paragraph one, the local official shall have power to make alteration or change such cemetery and crematorium and charge expenses to the licence holder.

Section 17. In addition to the circumstance in section 16, if it appears that the person who is granted a licence in section 6 or section 7 fails to comply with the order of a local official as prescribed in section 15 paragraph two or is in breach or fails to comply with the provisions of this Act, Ministerial Regulation, or Bangkok Metropolitan Administration ordinance, provincial ordinance, municipal ordinance, sanitation ordinance, or Pattaya City ordinance issued in accordance with section 11, the local official shall have power to suspend the licence for a period deemed appropriate but not exceeding ninety days from the date of suspension order, or may order revocation of such licence.

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The person whose licence is suspended or revoked shall have the right to appeal in writing to the Minister within thirty days from the date on which the order is acknowledged.

The Minister's decision shall be final.

Section 18. Appeal under section 13 or section 17 shall be filed with the local official for submitting to the Minister without delay.

Section 19. In case of appeal against the local official's decision not to approve renewal of the licence in section 13 or appeal against the local officials' order to suspend or revoke the licence in section 17, the appellant shall continue to be the establishing person or the operator of the public cemetery and crematorium or the private cemetery and crematorium while waiting for the Minister's decision.

Section 20. In case the licence in section 6 or section 7 is lost, destroyed or damaged in material part, the licence holder shall apply for a replacement licence from the local official within fifteen days from the date on which the loss, destruction or damage is known.

Section 21. The person who is granted a licence in section 6 and wishes to cease operation of the public cemetery and crematorium or the private cemetery and crematorium shall send a written notice to the local official for acknowledgement no less than fifteen days in advance.

Section 22. In case the Minister makes decision to uphold the local official's order revoking the licence for establishment of a public cemetery and crematorium or a private cemetery and crematorium in section 17, or in case the person who is granted a licence in section 6 ceases operation of a public cemetery and crematorium or a private cemetery and crematorium in section 21 but some obligations under this Act have not yet been fulfilled, the licence holder shall complete such obligations within the period specified by the local official.

If the licence holder fails to complete its obligations within the period specified in paragraph one, the local official shall assume such until completion and charge expenses to the licence holder.

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Section 23. In case the person who is granted a licence in section 6 or lacks qualifications as prescribed in section 8, the person who is granted a licence in section 7 shall send a written notice to the local official for acknowledgement. In case the person who is granted a licence in section 7 is dies or lacks qualifications as prescribed in section 8, the person who is granted a licence in section 6 shall send a written notice to the local official for acknowledgement.

Section 24. In case the person who is granted a licence in section 6 or section 7 dies or lacks qualifications as prescribed in section 8 and there is a person who possesses qualifications as prescribed in section 8 declares his intention to the local official within thirty days from the date on which the licence holder dies or lacks qualification continues to apply for an establishing person or an operator of the public cemetery and crematorium or the private cemetery and crematorium, the person who declares his intention shall be the establishing person or the operator of the public cemetery and crematorium or a private cemetery and crematorium from the date on which the licence holder dies or lacks qualification until the expiry of the licence.

In case no one declares intention within the period specified in paragraph one, the local official shall assume duties as if he were the person who is granted a licence in section 6 or section 7 until a new person is granted a licence in section 6 or section 7.

Section 25. A person who acts in breach of section 6 paragraph one, section 7 paragraph one, or section 10 or the person who is granted a licence in section 6 who fails to make alteration or changes to the cemetery and crematorium as instructed by the local official in section 16 paragraph one shall be subject to a fine not exceeding two thousand Baht.

In case of breach of section 10, the local official shall have power to order that the person in breach demolish the construction or remove the buried or stored human remains to bury or store in a public cemetery and crematorium or a private cemetery and crematorium under the licence granted in section 6 within the specified period. Should the person in breach continue to fail to comply with the order, the local official shall act for and charge expenses to the person in breach.

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Section 26. A person being granted a licence in section 6 or section 7 but fails to comply with section 9 or section 20 or a person who is in breach of section 15 or a person being granted a licence in section 6 but fails to send a written notice to the local official for cessation of a public cemetery and crematorium or a private cemetery and crematorium as prescribed in section 21 shall be subject to a fine not exceeding one thousand Baht.

Section 27. A person who impedes or does not facilitate the public health official or competent official or local official as prescribed in section 15 paragraph one shall be subject to a fine not exceeding five hundred Baht.

Section 28. A person who is granted a licence to establish a public cemetery and crematorium or a private cemetery or a person who is granted a licence to be an operator for maintenance of a public cemetery and crematorium or a private cemetery and crematorium as prescribed in the law on control of cemetery and crematorium in effect before this Act comes into force shall continue to operate or be the manager until expiry of the licence. After that, if the person wishes to continue to be the establishing person or the operator of a public cemetery and crematorium or a private cemetery and crematorium, the person shall lodge an application as prescribed in this Act within thirty days before the expiry of the licence. The applicant shall then be the establishing person or the operator of the public cemetery and crematorium or the private cemetery and crematorium until the local official orders not to renew the licence.

The person who is granted a licence to establish a public cemetery and crematorium or a private cemetery and crematorium or a person who is granted a licence to be a manager for maintenance of a public cemetery and crematorium and crematorium or a private cemetery and crematorium in paragraph one, whose licence has expired before this Act comes into force and has not lodged an application to renew the licence or is in the process of applying for a renewal, if such person wishes to continue to be the establishing person or the operator of a public cemetery and crematorium or a private cemetery and crematorium, shall lodge an application for a licence as prescribed in this Act within thirty days from the date on which this Act comes into force.

Section 29. All Bangkok Metropolitan Administration ordinance, provincial ordinance, municipal ordinance, sanitation ordinance or Pattaya City ordinance issued by

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virtue of the provisions of the law on cemeteries and crematorium control which have been in effect before this Act comes into force shall continue to be in effect to the extent that they do not conflict or contradict the provisions of this Act until the new Bangkok Metropolitan Administration regulations, provincial regulations, municipal regulations, sanitation regulations or Pattaya City regulations are issued and take effect in accordance with this Act.

Section 30. The Minister of Interior and the Minister of Public Health shall have charge of the execution of this Act and shall have power to appoint a competent official and a public health official and shall have the power to issue Ministerial Regulations prescribing fees at the rate not exceeding the rate of fees in the list appended hereto and prescribing other acts for the execution of this Act accordingly in relation to the official matters of such ministries.

Such Ministerial Regulations shall come into force upon their publication in the Government Gazette.

Countersigned by:

General Prem Tinsulanonda
Prime Minister

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RATE OF FEES

- | | | | | |
|-----|--|--------------|-------|------|
| (1) | Establishment licence of a public or private cemetery and crematorium | Each licence | 1,000 | Baht |
| (2) | Operator licence of a public or private cemetery and crematorium | Each licence | 500 | Baht |
| (3) | Replacement licence | Each licence | 50 | Baht |
| (4) | Renewal of establishment or operator licence of a public or private cemetery and crematorium shall be subject to the rates in (1) or (2), as the case may be | | | |

Office of the Council of State

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