

CHAPTER 26**PUBLIC WORKS****MINISTRY OF WORKS (NEW PROVIDENCE)
RULES****(SECTION 6)***[Commencement 15th September, 1934]*

1. These Rules may be cited as the Ministry of Works (New Providence) Rules.

2. In these Rules, unless the context otherwise requires —

“animal” means any horse, mule, ass, bull, cow, sheep, goat or pig;

“Minister” means the Minister responsible for Public Works;

“New Providence” means the Island of New Providence as defined by the Interpretation Act;

“person” includes any body of persons, corporate or unincorporate;

“public road” means any road, street, highway, sidewalk, footpath, alley, lane, or thoroughfare in New Providence, vested in the Treasurer for public purposes;

“public cemetery” means any cemetery, burial ground, or graveyard in New Providence, vested in the Treasurer for public purposes;

“Superintendent of Roads” means the person appointed to be Superintendent of Roads for New Providence;

“vehicle” includes any motor car, carriage, waggon, cart, dray, motor cycle or bicycle;

“vessel” includes any ship or boat or any other description of vessel used in navigation.

GN 187/1934
GN 265/1939
GN 284/1952
GN 188/1958
GN 246/1959
GN 104/1962
GN 330/1964
5 cf 1987
SI 53/1996
Citation.

Interpretation.

Ch. 2.

Public roads

3. (1) No person shall either, partially or entirely stop up, obstruct, alter or encroach upon, or in any manner damage or render inconvenient to passengers, any public road or place. Penalty on summary conviction, a fine of one hundred dollars.

5 cf 1987

(2) For the purpose of abating and removing any such obstruction or nuisance, it shall be lawful for the Minister and any persons acting under his authority, to enter on any private land during the day, and there remain for a reasonable time; and an account of the expense of such abatement or removal shall be kept, the amount of which shall be recoverable by the Minister in any court having jurisdiction from the person in default.

G N 330/1964

(3) No person shall deposit, place or discharge or cause to be deposited, placed or discharged in any public road or place —

- (a) any stone, sand, lime, timber, wood or material of any kind;
- (b) any barrel, box, case or other package, packing or goods of any description whatsoever, except for removal at the earliest opportunity within the space of six hours;
- (c) any fruit skins, stones, earth, weeds, sweepings of any kind, paper, rags, rubbish, filth or any substance or any liquid.

(4) No person shall, save by permission of the Minister, place, or cause or procure to be placed in or over any public road or place any gate, door, window, signboard, sun screen, wire or other such projection or erection, or any steps so as to swing over or project or protrude into any portion of any public road or place.

(5) No person shall —

- (a) expose or offer for sale or sell or cause or procure to be exposed or offered for sale or sold in or upon any public road or place, any goods, wares or merchandise of any description whatsoever;
- (b) carry or cause or procure to be carried, coal through, in or upon any public road or place in such manner as to permit of any coal, or coal dust, discharging or dropping on any public road or place;

- (c) throw, or cause, or procure to be thrown, any substance whatever into any public well, nor shall any person descend therein without permission of the Superintendent of Roads;
- (d) stand, sit, or lounge on any wall, fence, post or chain enclosing any public square or place, or damage any bench thereon, or pull up, damage or interfere with any plant, tree or bush growing thereon;
- (e) save by permission of the Minister suffer or permit any animal to graze in, upon or over any public road or place.

4. (1) The owner or occupier of all premises whether in actual occupation or not shall keep such premises at all times free from all rubbish and other like substances, and when required by the Minister, shall cut the bush which may be growing on such premises within twenty-five feet from any adjacent property and within ten feet of any public road.

The removal of
rubbish
G N 188/1958
G N 246/1959

(2) It shall be the duty of the Director of Public Works or some other person deputed by him from time to time to carry out an inspection of all premises in New Providence for the purpose of ascertaining any violations of sub-rule (1), and for the proper execution of such duty it shall be lawful for the Director of Public Works or the person deputed by him, together with such persons as he would require to attend and assist him, to enter upon any premises and to remain there for such time as may be necessary for the performance of the duty hereby imposed.

(3) Where on inspection or complaint, a breach of this rule is found to exist, an order signed by the Director of Public Works requiring the removal of rubbish and other like substances and/or the cutting of any bush which may be growing on the premises shall be served on the owner or occupier of the premises, as the case may be, and all such orders shall state the time within which the premises shall be cleaned.

G N 246/1959

(4) When the owner or occupier of premises in respect of which an order has been made cannot be found, every such order may be served by delivering the same or a copy thereof to some person on the said premises or if no person can be found thereon, by affixing such order or a copy thereof upon some conspicuous part of such premises.

GN 104/1962

(5) If, at the expiration of the time limit in the order, the requisition of the Director of Public Works has not been complied with, the owner or occupier, as the case may be, against whom it has been made shall be guilty of an offence and shall be liable on summary conviction to a penalty of eight dollars and in the case of a continuing offence to a further penalty of four dollars for every day the offence continues, and in any such case the Director of Public Works may, in his discretion, by his servants or agents at any reasonable time during the day time enter upon the premises in respect of which such order has been made and carry out the terms of the order and the owner or occupier, as the case may be, shall, in addition to any penalties as aforesaid, be summarily liable for all expenses up to one hundred dollars incurred in carrying out the terms of the said order and such sum shall be a charge against the owner or occupier of the premises, as the case may be, and against the premises.

5 cf 1987

(6) In the event the owner or occupier is not responsible or for any reason the Director of Public Works is satisfied that the offence is not due to the negligence of the owner or occupier, the Director of Public Works may cause the premises to be cleaned under his direction without any cost to the owner or occupier thereof.

(7) For the purpose of this rule the term “rubbish” shall be deemed to include old metal, old and broken down cars and trucks, old timber, disused and obsolete plant, saw dust and shavings, old packing cases and barrels.

Restrictions on
use of vehicles,
etc

5. No person shall —

- (a) save by permission of the Minister or the police drive or propel any vehicle upon, over or across the grass in any public square or place vested in the Treasurer for public purposes;
- (b) save in any parking space provided for that purpose park any vehicle in the public square, or lean or rest any bicycle or other similar vehicle against any public building;
- (c) save by the permission of the Minister drive or propel or haul or convey any crane, tractor, concrete mixer or any heavy machinery on any road or street, or transport or move any building or construction, by means of trailers, low-bed haulers, truck, or wheeled vehicle, or by means of skids over any public road;

GN 188/1958

- (d) operate or cause to be operated any truck or vehicle with solid tyres on any public road or street save with the permission of the Superintendent of Roads or the police who will allow the operation of such trucks with solid tyres provided the maximum load, carrying capacity included, does not exceed two tons, and that the tyres are, in their opinion, in good condition;
- (e) be permitted to ride any motor cycle or bicycle on the Fort Montagu beach within the following area, *viz.* — *G N 265/1939*

From the northeast boundary of the Nassau Yacht Club property eastwardly to the Fort point and then southwardly to a point in line with the northern side of Shirley Street or the southern boundary line of the Montagu Hotel grounds.

6. No person shall — Restrictions on use of landing places by persons or vessels.
- (a) obstruct or render inconvenient to persons using the same the landing steps of the several public abutments in New Providence;
- (b) save by the permission of the Minister, or the Port Director, moor or cause or procure to be moored any vessel alongside of the Rawson Square Abutment or Prince George's Wharf;
- (c) save by permission of the Minister, or the police, or during a storm, or to escape the perils of the sea, haul any vessel or boat on to any public square, road or place;
- (d) be permitted to bathe any horse, mule or ass from the Fort Montagu beach within the following area, *viz.* — G.N. 265/1939.

From the northeast boundary of the Nassau Yacht Club property eastwardly to the Fort point and then southwardly to a point in line with the northern side of Shirley Street or the southern boundary line of the Montagu Hotel grounds.

7. (1) Applications for interments must be made to the keepers of the respective cemeteries, who will give instructions where new graves may be dug. In the event of an old grave being opened, permission in writing from the Minister for Health must be first obtained. Public cemeteries.

(2) The keepers of the respective cemeteries shall keep the keys of same, and shall open such cemeteries whenever necessary upon payment of the following fee —

5 cf 1982

there shall be a fee of one dollar for every interment, either in a vault or single grave, of a child under the age of ten years, and two dollars for every person above that age.

(3) Carefully prepared diagrams of the respective cemeteries shall be kept by the Public Works Department.

(4) An officer appointed by the Minister and keepers shall each keep distinct registers of burials in books provided for that purpose, wherein shall be entered as soon as practicable after burial shall be completed, the several particulars set forth in the Schedule A, hereto annexed.

Schedule A.

(5) It shall be the duty of the said keepers at least once a month to carry their respective register books to the officer appointed by the Minister, in order that he may enter all burials in his register books which have not been previously registered by him.

5 cf 1987

(6) A fee of two dollars shall be charged in respect of any casket allowed to remain in the Mortuary Chapel in the Western Cemetery until interment or removal.

G.N. 188/1958.

SI 53/1996

(7) (a) There shall be allotments of nine by four feet laid out in any public cemetery and the exclusive right of burial shall be purchased for each allotment before interment; the fee for the same being sixty dollars. The grant of exclusive right of burial shall be in the form prescribed in Schedule B to these Rules.

5 cf 1987

Schedule B.

(b) Any person having exclusive right of burial in an allotment in a public cemetery shall be able to assign such right to any person upon notice in writing of same being given to the Minister. The assignment of the exclusive right of burial shall be in the form prescribed in Schedule C to these Rules.

SI 53/1996

Schedule C.

(8) Persons having purchased the exclusive right of burial in one or more allotments shall be at liberty, upon application to the Minister, to erect thereon a vault, tombstone, or monument or to enclose or kerb or surround the same with a kerb, wall, hedge or fence.

(9) Any person who shall be employed in the digging of any grave or graves or in the erecting of any vault, tombstone, monument, kerb, wall, hedge or fence in any public cemetery of this Island shall, after its completion, remove all earth, stones and other materials which may have accumulated during the progress of the work, and leave the spot properly levelled and cleaned. Failing to do so, after twenty-four hours notice to remove the same, then it shall be lawful for the Minister or any duly authorised servant or agent, or other person delegated by him for that purpose, to remove the same, and all expenses incurred in such removal shall be recoverable from the owner of such vault, tombstone, monument, kerb, wall, hedge or fence or the person responsible for the digging of such grave or graves.

(10) No person shall bring or cause to be brought or permit any dog or bitch of which he is the owner or keeper to come in or remain in the several cemeteries.

(11) No person shall, save with the permission of the Minister —

- (a) dig or cause or procure to be dug or cut any grave or graves in any public cemetery;
- (b) enclose or kerb or surround or cause or procure to be kerbed or enclosed or surrounded by any kerb, wall, hedge or fence of any description, any grave or graves in any public cemetery;
- (c) alter, plant, cut down or remove trees, or do work of any kind in the public cemeteries. Roses, foliage and flowering plants may be planted.

Penalty on summary conviction, a fine of one hundred dollars. *5 cf 1987*

8. (1) All proceedings under these Rules may be instituted by a peace officer or by any person authorised in writing by the Minister. *Procedure and penalties*

(2) Any person committing a breach of any of the above Rules shall, except where otherwise specified, be liable on summary conviction, to a penalty not exceeding eighty dollars. *GN 188/1958*

SCHEDULE A (Rule 7(4))

	Name.	Rank or Profession.	Age.	Data of Burial.	By whom Buried.

GN 188/1958

SCHEDULE B (Rule 7(7)(a))

GRANT OF EXCLUSIVE RIGHT OF BURIAL IN A PUBLIC CEMETERY

SI 53/1996

THE BAHAMAS
NEW PROVIDENCE

THIS INDENTURE is made the day of A.D. 19 BETWEEN the Minister for Works (hereinafter referred to as the Grantor) of the one part AND of (hereinafter referred to as the Grantee) of the other part

WHEREAS the Grantor has agreed to grant to the Grantee the exclusive right of burial in respect of the Cemetery in the Island of New Providence aforesaid for the consideration of

NOW THEREFORE in consideration of the sum of paid by the Grantee to the Grantor the receipt whereof the Grantor hereby acknowledges the Grantor hereby grants unto the Grantee the exclusive right of burial in all that allotment of grave space situate in the Cemetery in the said Island of New Providence and marked No. on the diagram or plan thereof kept by the Public Works Department TO HOLD the same to the use of the Grantee heirs and assigns forever for the purpose of burial subject nevertheless to the Acts of Parliament Rules and Regulations for the time being affecting the said Public Cemetery.

IN WITNESS WHEREOF the Minister has caused his Seal to be hereunto affixed the day and year first hereinabove written.

The Seal of the Minister for Works is hereby authenticated by this day of A.D. 19

Signed

Minister or officer authorised by him in that behalf.

SCHEDULE C (Rule 7(7)(b))

GN 188/1958

ASSIGNMENT OF EXCLUSIVE RIGHT OF BURIAL IN A PUBLIC CEMETERY

SI 53/1996

THE BAHAMAS
NEW PROVIDENCE

I, of in consideration of the sum of paid to me by of do hereby assign unto the said the exclusive right of burial in the allotment of grave space situate in the Cemetery in the Island of New Providence and marked No. on the diagram or plan thereof kept by the Public Works Department which was granted to me by by a deed of grant bearing date the day of A.D. 19 and all my estate, title and interest therein TO HOLD the same unto the said heirs and assigns forever subject to the conditions on which I held the same immediately before execution hereof.

WITNESS my hand and seal this day of A.D. 19

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Signed, Sealed and Delivered by the above-named

in the presence of:
Witness.

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