

THE PARISHES (ABANDONED CEMETERIES) ACT

ARRANGEMENT OF SECTIONS

1. Short title.
2. Interpretation.
3. Act to apply to cemeteries disused for twenty years.
4. Minister to make provisional order.
5. Plan, etc., of cemetery to be prepared and recorded.
6. Proposals for use of cemetery to be submitted to Minister.
7. Proposals to be considered by Minister.
8. Approval or modification of proposals.
9. Final order.
10. Power to rescind final order.
11. Evidence.

THE PARISHES (ABANDONED CEMETERIES) ACT

Law
1 of 1958.

[17th February, 1958.]

1. This Act may be cited as the Parishes (Abandoned Cemeteries) Act. Short title.

2. In this Act—

Interpreta-
tion.

“cemetery” means cemetery as defined in the Public Cemetery Management and Regulation Act;

“Minister” means the Minister responsible for local government;

“Parish Council” means the Parish Council of any parish of this Island except the parishes of Kingston and Saint Andrew.

3. Whenever burials in any cemetery shall have been wholly discontinued for a period of twenty years it shall be lawful for the Parish Council of the parish in which such cemetery is situated, after giving notice of its intention so to do by publication in the *Gazette* and in at least one daily newspaper circulating within the parish once a week for not less than three months, to apply to the Minister for an order directing that the provisions of this Act shall apply to the cemetery mentioned and described in the said publication. Act to apply to cemeteries disused for twenty years.

4. The Minister, after consideration of the application and of any objections or protests which may be made in writing by or on behalf of any person and lodged with the Minister within one month of the appearance of the last of the advertisements directed by section 3, may make an Minister to make provisional order.

order (hereinafter called "a provisional order") directing that the provisions of this Act shall apply to the said cemetery.

Plan, etc.,
of cemetery
to be pre-
pared and
recorded.

5. Within six months after the making of a provisional order the Parish Council shall cause a commissioned land surveyor to make an accurate survey of the said cemetery, and to prepare a plan or diagram thereof to a scale of not less than 100 feet to 1 inch showing thereon the correct position of all tombstones or monuments distinguishing the same by numbers or symbols and an accurate copy of all legible inscriptions upon any of such tombstones or monuments identifying the tombstones or monuments upon which the same appear by the same numbers or symbols, and shall cause such plan or diagram and copy of inscriptions to be recorded in the Record Office.

Proposals
for use of
cemetery to
be sub-
mitted to
Minister.

6.—(1) After such plan and copy of inscriptions shall have been duly recorded the Parish Council may submit to the Minister proposals for the use of the land constituting the cemetery for some public purpose or purposes, or for the sale, exchange or lease of such land for such purpose or purposes as may be approved by the Minister.

(2) The proposals referred to in subsection (1) shall include—

- (a) a scheme for the use and management of the land constituting the cemetery if it is proposed to use such land for some public purpose or purposes; or
- (b) a statement of the purposes for which land proposed to be taken by the Parish Council in exchange for the land constituting the cemetery will be used; or

- (c) a statement of the purposes for which the land constituting the cemetery will be used by or on behalf of the persons to whom such land is proposed to be sold, given in exchange or leased.

7. Upon the submission of such proposals the Minister shall fix a date after which the proposals shall be taken into consideration by him and shall direct notice of such proposals and date to be advertised and published in such manner and served upon such persons as he may think fit, and the Parish Council shall cause such notice to be advertised and published and served as directed.

Proposals to be considered by Minister.

8. The Minister, upon being satisfied that the notice has been published and served as directed, may approve of the said proposals with or without modification, or may require the Parish Council to submit other proposals, and may, upon the submission of such other proposals, and after such notice thereof (if any) as he may consider necessary, approve the same with or without modification.

Approval or modification of proposals.

9. Upon such approval as mentioned in section 8 the Minister may make an order (hereinafter called "a final order") declaring the proposals mentioned therein to be approved proposals for the purposes of this Act, and thereafter the Parish Council shall have power to deal with the land constituting the cemetery and any land received in exchange for, or any money paid in respect of the sale or lease of, such land, in accordance with the provisions of the proposals.

Final order.

10. The Minister shall have power, from time to time, upon the application of the Parish Council, to rescind any existing final order and after such notice or advertisement (if any) as he may deem necessary to make another final

Power to rescind final order.

3

PARISHES (ABANDONED CEMETERIES)

order in substitution therefor, declaring other proposals to be new approved proposals.

Evidence.

11. The publication in the *Gazette* of a final order shall be conclusive evidence that all the provisions of this Act have been complied with and that the proposals are authorized by this Act.