

THE KINGSTON AND ST. ANDREW (CEMETERIES) ACT

ORDER
(under section 15)

The Imperial War Graves Commission Order, 1932

G.N. 801/32
Vide
L.N. 104/60

RULES
(under section 27)

The Kingston and St. Andrew (Cemetery) Rules, 1947

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ORDER
(under section 29)

The Kingston and Sub-Urban District of Saint Andrew Cemetery
Order, 1971

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ORDERS
(under section 34)

(Omitted)

ORDERS
(under section 39)

(Omitted)

THE KINGSTON AND ST. ANDREW CEMETERIES ACT

ORDER
(under section 15)

THE IMPERIAL WAR GRAVES COMMISSION ORDER, 1932

(Made by the Governor on the 4th day of November, 1932)

G.N. 801/32
Vide
L.N. 104/60

1. This Order may be cited as the Imperial War Graves Commission Order, 1932.

2. The fee of ten cents per annum fixed by the Council of the Kingston and St. Andrew Corporation shall be the fee payable by the Imperial War Graves Commission in respect of a memorial wall and head stone erected in the May Pen Cemetery to perpetuate the memory of soldiers who have fallen in the Great War.

THE KINGSTON AND ST. ANDREW (CEMETERIES) ACT

RULES
(under section 27)

THE KINGSTON AND ST. ANDREW (CEMETERY) RULES, 1947

(Made by the Corporation on the 10th day of December, 1945 and approved by the Governor on the 26th day of February, 1947)

L.N. 8/47
Amd:
G.N. 276/51
327/61
L.N. 49/92

1. These Rules may be cited as the Kingston and St. Andrew (Cemetery) Rules, 1947.

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

“authorized gate” means any gate leading into the cemetery for the use of the public to which is attached a notice stating that it may be used for such purpose;

“the cemetery” means the cemetery provided and maintained in pursuance or intended pursuance of the Act;

“child or children” means a person or persons not exceeding eight years of age;

“City Treasurer” means the City Treasurer of the Corporation;

“the Corporation” means the Kingston and St. Andrew Corporation;

“the Council” means the Council of the Corporation;

“grave” means a burial place formed in the ground by excavation and without any internal wall or brickwork, concrete, stonework or other artificial lining;

“Keeper” means the Keeper of the cemetery;

“Town Clerk” means the Town Clerk of the Corporation;

“vault” includes underground burial places of every description except graves to which the word “grave” interpreted as aforesaid applies.

3. The Keeper shall subject to the directions of the Council have the general care of this cemetery and the general superintendence, management and control of all the officers and servants appointed and employed in connection therewith; and shall be specially charged with the maintenance of good order and cleanliness and of the observance of due respect and decency at the cemetery.

and graves for children shall be of such depth and dimensions as, in the discretion of the Keeper, may be found necessary in each particular case, and no body shall be buried in a grave in such a manner as to require or allow any part of the coffin containing the body to be less than 4 feet below the level of the surface of the ground adjoining the grave.

11. In the case of graves for children, the person presenting the order to the Keeper shall furnish him with the measurement of the length of the coffin, and, in the case of graves for adult persons of an extra size in width, notice of the same shall be given to the Keeper at the time of the delivery of the order.

12. The part shaded green in the plan of the cemetery shall be set apart for the burial of persons not belonging to, or not claimed by any religious community or society.

13. The exclusive right of burial in any part of the cemetery and the right of constructing any vault or place of burial, with the exclusive right of burial therein, and the right of erecting and placing any monument, gravestone, tablet or monumental inscription, in the cemetery, may respectively, be purchased at such price as may from time to time be fixed by the Corporation with the approval of the Minister. The purchaser of any such right shall upon payment of such price take the same to himself, his heirs or assigns, in perpetuity, subject to these Rules or to any rules that may hereafter be lawfully made under the Act or any enactment in amendment or in substitution of the same.

14. All grants of such exclusive rights of burial in the cemetery shall be made with respect to certain lots of ground. A lot shall comprise a piece of land 10 feet by 9 feet and a half lot shall comprise 9 feet by 6 feet and no one shall be at liberty to purchase any exclusive right of burial with respect to less than one of such half lots.

15. The purchaser of every lot shall within 6 months after the purchase of such lot either enclose the same with a wall or railing or both in accordance with a plan and specification approved by the Council or shall within the same time place stone blocks or brick borders or other appropriate permanent marks to designate the exact boundaries of the lot purchased.

4.—(i) The cemetery shall each day, including Sundays, Good Friday, Christmas Day and public general holidays, be opened to the public at 6 o'clock in the forenoon and be kept open until 7 o'clock in the afternoon provided, however, that in urgent cases for burial and for other special circumstances the cemetery may be opened earlier than 6 o'clock in the forenoon or closed later than 7 o'clock in the afternoon.

(ii) Every person who, except with the permission of the Keeper or in pursuance of some lawful duty, shall be within the cemetery at any time between 7.30 o'clock in the afternoon of one day and 6 o'clock in the forenoon of the succeeding day shall be guilty of an offence against these Rules.

5. All applications for interments shall be made to the Town Clerk at his office and every such application shall be made by the applicant filling up and delivering to the Town Clerk a form to be supplied by the Town Clerk whereon the applicant shall write or cause to be written the name in full, place of birth, residence (with the name of the street or lane, and the number if any, of the house) sex, age and cause of death of the person to be interred together with the religious denomination to which such person belonged and also whether such person was married or unmarried.

6. On the application being duly made and the proper fees thereon being paid the Town Clerk shall deliver to the applicant an order on the Keeper for the preparation of the grave.

7. Except in cases of emergency, orders for the preparation of graves shall be left at the office of the Keeper, five hours at least before the hour fixed for the interment.

8. All interments shall be subject to the payment of such fees as may from time to time be fixed by the Corporation with the approval of the Minister.

9. The space appropriated to each separate grave shall be not less than 9 feet by 4 feet except in the case of graves for children in which case it shall be left to the discretion of the Keeper to determine on the space to be appropriated in each particular case.

10. All graves for adult persons shall be dug to a depth of 5 feet at the least, and shall be 7 feet in length, and 2 feet 6 inches in width,

- (b) with good cement; or
- (c) with good cement mixed with clean sharp sand.

20. Every person who, in any part of the cemetery, buries a body in a vault shall, within a period of twenty-four hours after the deposit in the vault of the coffin containing the body, cause the coffin to be wholly and permanently embedded in and covered with a layer or layers of good cement concrete, not less in any part than six inches in thickness, or to be wholly and permanently enclosed in a separate cell or receptacle which shall be constructed of slate or stone flagging not less than two inches in thickness properly jointed in cement or of good brickwork in cement and in such a manner as to prevent as far as may be practicable the escape of any noxious gas from the interior of the cell or receptacle.

21. The proprietor of each lot shall have the right to plant and cultivate trees, shrubs and plants on the same; but no tree growing within the lot or border shall be cut down or destroyed without the consent of the Keeper.

22. If any tree or shrub situated on any lot or on the space appropriated to any grave shall by means of its roots, branches or otherwise become injurious or detrimental to any adjacent lot, grave, pathway or avenue or inconvenient to passengers or shall obstruct or mar the effect and beauty of the cemetery, it shall be the duty of the Keeper or other officers or servants under his direction to enter the said lot and remove the said tree or shrub or such parts thereof as are injurious, detrimental, unsightly or inconvenient as aforesaid.

23. Where an exclusive right of burial in a particular lot in the cemetery has been sold by the Council the exercise of such right shall be restricted to the burial of the proprietor or members of his family. No proprietor of any such lot shall permit or suffer an interment to be made in his lot of the remains of any person not being a member of his family.

24. No transfer or assignment of any right with respect to any lot or of any part thereof or of any interest therein, other than by devise, shall be valid unless and until the consent in writing and under the seal of the Corporation shall have been endorsed upon the document of transfer or assignment and the same shall have been filed and registered as hereinafter provided.

16. (a) Every person proposing to enclose any lot or to erect or place any tomb, monument, gravestone, tablet or monumental inscription on any lot or grave shall submit to the Corporation in duplicate a plan and an exact specification of what is proposed to be erected and the Council may—

- (i) approve of such plan or specification as submitted; or
- (ii) cause the same to be amended and approve of the plan and specification as altered; or
- (iii) if of opinion that what is proposed is unsightly, unsuitable or likely to be flimsy or unstable refuse to approve the plan or specification.

(b) A copy of the plan and specifications endorsed with the decision of the Council and signed by the Town Clerk shall be delivered to the applicant and shall be produced to the Keeper of the cemetery on demand at all times during the performance of the works specified therein.

17. No person shall erect in the cemetery any wall, fence, railing, tomb, monument, gravestone, tablet or monumental inscription unless a plan or specification shall have been approved by the Council and except in exact accordance with the approved plan and specification and the Council may cause to be removed any fence, railing, tomb, monument, gravestone, tablet or monumental inscription erected without such approval or otherwise than in accordance with such approval and may recover from the person erecting the same the cost of such removal.

18. On presentation to the Keeper of the receipt of the Town Clerk for the sum paid for the purchase of the exclusive right of burial in any lot of ground, or for the right of constructing any vault or place of burial, or for the right of erecting or placing any monument, gravestone, tablet, or monumental inscription in the cemetery, the Keeper of the cemetery shall cause the lot of ground to be measured and marked out, or shall permit the construction or erection to be commenced or proceeded with, upon the spot indicated in such receipt.

19. Every person who, in any part of the cemetery, causes a vault to be built for use as a burial-place, shall cause the vault to be enclosed with walls constructed of good bricks, stone or other hard and suitable material, properly bonded and solidly put together—

- (a) with good mortar compounded of good lime and clean sharp sand or other suitable material; or

31. No gardener employed by a proprietor of a lot shall be permitted to work in the cemetery unless and until he obtains a licence card from the Keeper.

32. The Keeper may issue licence cards to only such gardeners as satisfy him by proof in writing of their employment by a proprietor of a lot.

33. Every gardener employed to a proprietor of a lot shall while in the cemetery and whenever required so to do by an officer of the cemetery produce his licence card for inspection.

34. All rubbish or litter resulting from the work of a gardener shall be removed by him immediately to a place of deposit provided for such purpose.

35. No officer or domestic servant appointed or employed in connection with the cemetery shall be interested directly or indirectly in any business connected with the enclosure of lots, the building of vaults or the erection of monuments, tombs or sepulchral structures.

36. No person shall smoke in the cemetery grounds or sit on any tomb or leap or climb over any enclosure or write on any monuments in the cemetery.

37. No person shall pluck, take away or remove any flower plant or shrub or take away or remove any vase or any other article whatever from the cemetery without the permission of the Keeper.

38. No dog shall be permitted in the cemetery nor any waggon or cart unless by the permission of the Keeper and all goats and pigs found within the cemetery shall be impounded or destroyed.

39. Vehicles driven into the cemetery whether attending funerals or otherwise shall keep to the roads and the drivers thereof shall be subject to all reasonable orders and directions of the Keeper. Drivers of animal drawn vehicles shall not leave the same unattended while in the cemetery.

40. No person may enter or leave the cemetery save through an authorized gate.

25. The document of transfer or assignment (other than by devise) of the rights with respect to any lot shall be executed in duplicate and the execution thereof shall be acknowledged or proved by the subscribing witness before a Justice of the Peace in the same manner as in the case of deeds executed in this Island and a duplicate thereof shall be filed with the Town Clerk and shall be registered in the books of the cemetery.

26. On the devolution by descent or devise of the rights with respect to any lot the heir or devisee shall within five years after such devolution give notice thereof in writing to the Town Clerk and shall furnish proof of such devolution whenever required in writing so to do by the Town Clerk. Should the heir or devisee fail to give the notice provided in this rule or to furnish such proof as may be required of him then the right to or interest in such lot shall revert to the Corporation. The Town Clerk shall cause every such notice received by him to be registered in the books of the cemetery.

27. Upon each transfer or devolution of the rights with respect to any lot the person applying to have the same registered shall pay to the City Treasurer such fee as may from time to time be fixed by the Corporation with the approval of the Minister and no such transfer or devolution shall be registered until such fee shall have been paid.

28. Upon the receipt given by the City Treasurer for the price paid for the purchase of the exclusive right of burial in any lot of ground there shall be printed rules 23, 24, 25 and 26.

29. (i) All workmen employed to enclose lots, construct vaults, erect monuments or tombs, or to perform any other task in the cemetery shall at all times be subject to the control and direction of the Keeper. Masons and stone cutters shall, for the protection of the paths in the cemetery, lay planks on such paths over which heavy materials are to be moved.

(ii) Every workman who contravenes any of the provisions of paragraph (i) shall be expelled from the cemetery and thereafter prohibited from working therein.

30. Every workman shall upon completion of the work on which he was engaged, clean the area within which he was working of all scraps of material and rubbish and remove such scraps and rubbish to such place as shall be provided for the purpose.

SCHEDULE					(Rule 43)
<i>Fees</i>					
					\$ c
For the right to erect or construct—					
Adult vault	...	...	...	...	\$ 600.00
Child vault	...	...	...	...	\$ 300.00
Adult grave	...	...	...	...	\$ 300.00
Child grave	...	...	...	...	\$ 200.00
Tomb	...	...	...	...	\$ 300.00
Mausoleum or Monument	...	...	...	...	\$2,500.00
Double-depth vault	...	...	...	...	\$1,000.00
For the right to reserve—					
a grave (½ lot)	...	...	...	...	\$ 900.00
a lot	...	...	...	...	\$1,500.00

41. Except for purposes of exhumation no grave shall be reopened within a period of fourteen years after the date of the burial of a body therein.

42. Every person who shall obtain from the Minister a licence for the removal of any body which shall have been interred in the cemetery shall—

- (a) deposit with the Town Clerk a copy of the licence together with an application in writing stating the date of interment and the exact position in the cemetery where the body was buried and requesting that a date and time be fixed for the removal of the body;
- (b) pay to the Town Clerk at the time of depositing the application the sum of \$12.00;
- (c) not without the written approval of the Keeper remove the body except at the time fixed for the purpose by the Town Clerk.

43. The fees mentioned and set out in the Schedule shall until altered or varied by the Corporation with the approval of the Minister be the fees payable and shall be paid at the time of the application in each particular matter to the City Treasurer.

44. The Keeper shall require any person offending against these Rules or offending in any other manner against good order or decency immediately to quit the cemetery and in the event of any such person refusing or neglecting so to do he shall cause such person to be forthwith removed from the cemetery.

45. A copy of these Rules printed in legible type shall be posted in a conspicuous place at the office of the Corporation and also at or near each gate of the cemetery.

THE KINGSTON AND ST. ANDREW (CEMETERIES) ACT

ORDER
(under section 29)

THE KINGSTON AND SUB-URBAN DISTRICT OF SAINT ANDREW CEMETERY
ORDER, 1971

(Made by the Minister on the 1st day of July, 1971)

L.N. 287/71
Amd.
L.N. 311/71

1. This Order may be cited as the Kingston and Sub-Urban District of Saint Andrew Cemetery Order, 1971.

2. From and after the 1st day of July, 1971, burials in the parish of Kingston and in that part of the parish of Saint Andrew which is by the Kingston and St. Andrew Corporation Act defined as the Sub-Urban District of the said parish, shall be discontinued except in such cemeteries as are set out in the Schedule, and in such areas of the King George VI Memorial Park as defined by section 2 of the King George VI Memorial Park Act, as may from time to time be reserved by the Council of the Kingston and St. Andrew Corporation for the burial of distinguished persons.

Schedule.

SCHEDULE, *contd.*

<u>Name</u>	<u>Address</u>	<u>Boundaries</u>	<u>Owner or Religious Body in Occupation</u>
10. August Town Cemetery	August Town, St. Andrew	North by premises of Charles Shea, south by premises of Simon Mattick, east by roadway, west by Mona lands.	Bedwardites
11. St. Cyprian's Cemetery	August Town, St. Andrew	North by premises of Gilbert Smith, south by premises of Dorabell White, east by roadway, west by Kingston and St. Andrew Corporation lands and premises of Dorabell White.	Anglican Church
12. St. John's Cemetery	7 Mannings Hill Road, St. Andrew	North by St. John's Lane, south by 3 Mannings Hill Road, east by Mannings Hill Road, west by St. John's Lane.	Anglican Church
13. Church of God Cemetery	52 Mannings Hill Road, St. Andrew	North by 54 Mannings Hill Road and 3 and 5 Glenn Lane, south by 48 and 50 Mannings Hill Road and open lot, east by 6 Glenn Lane, west by Mannings Hill Road.	Church of God
14. St. Andrew's Parish Church Cemetery	Halfway Tree	North by Molynes Road, south by Ambrook Lane, east by Old Court House, P.W.D. premises and 6, 8, 10, 12 and 14 Hagley Park Road, west by 1 Molynes Road and part of 3 Molynes Road.	Anglican Church
15. Mamby Park Cemetery	Constant Spring Road	North by premises of Erica Perry, south by premises of Ralph Lewis, Cyril Thomas, Larry Lowe and Daniel Gordon, east by church lands, west by premises of Allan Davis.	Baptist Church
16. Torrington Church	35 Slipe Road, St. Andrew	North by Brentford Road, south by church lands, east by Slipe Road and the back of adjoining premises to corner of Slipe and Brentford Roads, west by church lands.	Christian Church in Jamaica
17. King's Gate Christian Church Cemetery	49 Hope Road	North by Hope Road, south by lot situated between Nos. 69 and 71 Lady Musgrave Road, 71 and 73 Lady Musgrave Road, 10 and 12 Malvern Road and the lot adjoining 10 Malvern Road.	Christian Church
18.	Port Royal	North by the sea, south by the main road, east by the Naval cemetery, west by Parochial Lands.	Kingston and St. Andrew Corporation

*THE KINGSTON AND SUB-URBAN DISTRICT OF SAINT ANDREW
CEMETERY ORDER, 1971*

SCHEDULE

(Paragraph 2)

<u>Name</u>	<u>Address</u>	<u>Boundaries</u>	<u>Owner or Religious Body in Occupation</u>
1. Elletson Rd. Jewish Cemetery	1A Windward Rd., Kingston	North by Pine Street, south by Windward Road, east by part of 1A Windward Road, west by Elletson Road.	United Congregation of Israelites
2. Jewish Cemetery	Orange Street, Kingston	North by 159A Orange Street, Joyceville, and 1, 3 and 5 Altonvilla Road, south by Calabar Avenue, east by Orange Street, west by Slipe Pen Road.	United Congregation of Israelites
3. St. Patrick's Cemetery	153 Windward Rd., Kingston	North by 1 Wareika Road and 8, 8A and 8B St. Patrick's Road, south by St. Patrick's Church Yard, east by Wareika Road, west by St. Patrick's Church.	Anglican Church
4. Roman Catholic Cemetery	Lyndhurst Rd., St. Andrew	North by Lyndhurst Road, south by Corporation Poor House Cemetery Lands, west by Greenwich Park Road.	Roman Catholic Church
5. May Pen Cemetery and that part of Bumper Hall used as a Cemetery	Spanish Town Road	North by Spanish Town Road, south by Jamaica Government Railway, east by Kingston Pen Maragh, west by part of Bumper Hall Hospital and Greenwich Farm Lands.	Kingston and St. Andrew Corporation
6. Chinese Cemetery	19 Waltham Park Road	North by Crescent Road and 31 Waltham Park Road, south by 13½ to 17 Waltham Park Road, east by Waltham Park Road, west by 225 Spanish Town Road.	Chinese Benevolent Society
7. Shortwood congregational Church Cemetery	48 Shortwood Road, Saint Andrew	North by Markland Lane, south by church lands, east by premises of Herbert Walker, west by church lands.	Congregational Church
8. Alvernia Cemetery	16 Old Hope Road	North by church lands, south by church lands, east by church lands, west by church lands.	Roman Catholic Church
9. Wesleyan Methodist Cemetery	132 Hope Road, St. Andrew	North by Hope Road, south by church lands, east by 134 Hope Road, west by 130 Hope Road.	Methodist Church