

THE PUBLIC CEMETERY MANAGEMENT AND REGULATION
ACT

NOTICES
(under section 3)

(Omitted)

RULES
(under section 9)

The Public Cemetery Management and Regulation (St. Thomas) Rules, 1992 L.N. 70G/92

Similar Rules made in respect of:

<i>Portland</i>	—	L.N. 70H/92 31/97
<i>St. Mary</i>	—	L.N. 70I/92
<i>St. Ann</i>	—	L.N. 70J/92
<i>Trelawny</i>	—	L.N. 70K/92 J.G. dated 20.2.1998
<i>St. James</i>	—	L.N. 70L/92
<i>Hanover</i>	—	L.N. 70M/92
<i>Westmoreland</i>	—	L.N. 70N/92
<i>St. Elizabeth</i>	—	L.N. 70O/92
<i>Manchester</i>	—	L.N. 70P/92
<i>Clarendon</i>	—	L.N. 70Q/92
<i>St. Catherine</i>	—	L.N. 70R/92

THE PUBLIC CEMETERY MANAGEMENT AND
REGULATION ACT

RULES
(under section 9)

THE PUBLIC CEMETERY MANAGEMENT AND REGULATION
(ST. THOMAS) RULES, 1992

(Made by the Council and approved by the Minister on the
28th day of December, 1992)

L.N. 70a/92

1. These Rules may be cited as the Public Cemetery Management and Regulation (St. Thomas) Rules, 1992. Citation.
2. In these Rules— Interpretation.
- “authorized gate” means a cemetery gate provided for the use of the general public to which is attached a notice stating that it might be used for such purpose;
- “cemetery” means all lands vested in the Parish Council for the parish of St. Thomas and reserved for exclusive use as public places of interment and includes those cemeteries from time to time described in Part I of the Schedule; Schedule.
- “committee” means a cemetery committee appointed by the Council pursuant to section 96 of the Parish Councils Act;
- “grave” means a burial place formed in the ground by excavation and without any internal wall or brick work, concrete, stonework or other artificial lining;
- “lot” includes a half lot;
- “Secretary” means the Secretary of the Council;
- “vault” includes underground burial places of every description except graves.
- 3.—(1) Each cemetery shall have a keeper appointed under section 7 of the Act. Duties of the keeper.

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- (2) The duties of the keeper shall be—
- (a) to take such steps as are necessary to assist the Council in the effective management of the physical environment of the cemetery;
 - (b) to advise the Council on matters of general policy relating to the management, development and care of the resources of the cemetery;
 - (c) to ensure that the provisions of these Rules relating to the maintenance of the cemetery are complied with;
 - (d) to supervise and direct all other members of staff appointed for the care and protection of the cemetery;
 - (e) to make a monthly report to the Secretary concerning information recorded in the register and the workings of the cemetery in general; and
 - (f) to perform such other duties as may from time to time be assigned to him by the Council.

Right of burial. 4. Subject to these Rules, every person dying within the parish of St. Thomas and any other person as the Council thinks fit, may be buried in a cemetery within the said parish with such religious or other ceremony as the family or friends of the deceased think fit.

Opening hours. 5.—(1) Each cemetery shall be opened daily on such days and at such times as the Council by resolution may prescribe except that in cases of emergency or other special circumstances the cemetery may be opened at other hours with the prior permission of the Secretary.

(2) A notice setting out the prescribed hours of opening of the cemetery shall, without prejudice to any other form of service, be published in a daily newspaper printed and circulating in the Island at least thirty days before such notice comes into effect.

Procedure for application. 6.—(1) An application for interment under these Rules, shall be made to the Secretary in writing in accordance with paragraph (2).

(2) An application under paragraph (1) shall state—

- (a) the name, place of birth and true place of abode and postal address of the applicant;
- (b) the relationship of the applicant to the deceased person; and

- (c) the name, sex, age, marital status, religious denomination and cause of death of the deceased person.

7. Where the application is duly made and the fees thereupon paid the Secretary shall order the keeper to prepare the relevant grave site.

Procedure for grave site preparation.

8. Except in cases of emergency, notice of an interment shall be given to the keeper at least twenty-four hours before the time fixed for such interment.

Notice of interment.

9.—(1) Subject to paragraph (2) the dimensions of a grave shall not be less than 6 feet deep, 7 feet long and 2 feet 6 inches wide.

Dimensions of grave.

(2) The length and width of the grave of a deceased child of ten years of age or under, may, where necessary, be varied at the discretion of the keeper, except that no such child shall be buried less than 4 feet below the level of the surface of the ground.

10.—(1) Subject to paragraph (2) each lot shall not be less than 8 feet long and 4 feet wide.

General dimensions of lots.

(2) The dimension of a lot for a child of ten years of age or under, may, where necessary, be varied at the discretion of the keeper.

11.—(1) A lot for which an exclusive right of burial is granted shall be comprised of—

Dimensions of lots for exclusive right of burial.

(a) in the case of a full lot, 10 feet in length by 9 feet in width; and

(b) in the case of a half lot, 9 feet in length by 6 feet in width.

(2) No exclusive right of burial shall be granted by the Council in respect of less than half a lot.

12. Each grave shall be numbered consecutively and the keeper shall keep a register, in which shall be recorded—

Records in respect of graves.

(a) the number allotted to such grave;

(b) the name and age of the deceased person interred in such grave;

(c) the date of burial; and

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- (d) the name of the person giving the information recorded or where such name is not available, the name of the person in charge of the funeral.

Burial fees.

13. The fees payable in respect of any vault or grave, made or dug or any right of exclusive burial or any monument or tombstone, erected or placed in any part of the cemetery shall be as set out in Part II of the Schedule and shall be paid in advance to the Secretary who shall lodge such amounts to the bank account of the Council.

Schedule.**Exemptions.**

14. Where the Council is satisfied that a deceased person has not left sufficient fees to pay the prescribed fees or that the relatives or friends of the deceased person, as the case may be, are not able to pay such fees, the Council may, as it thinks fit, exempt in whole or in part, any person or organization from the payment of fees.

Assignment, transfer or devolution of grant.

15.—(1) Except with the consent of the Council in writing and under seal, a person shall not transfer or assign any exclusive rights of burial with respect to any lot or part thereof or any interest therein.

(2) An assignment or transfer of an exclusive right of burial other than by devise shall be executed in duplicate and the execution thereof acknowledged before a Justice of the Peace and filed with the Secretary.

(3) An entry of such assignment or transfer shall be made in the register by the keeper in the same manner as that of the original grant.

(4) No exclusive right of burial shall be acquired in consequence of an assignment or transfer until such entry is registered in the prescribed manner.

(5) An assignment or transfer of an exclusive right of burial shall be produced within six months of the execution thereof.

(6) 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 Secretary and shall furnish proof of such devolution in writing, whenever required so to do by the Secretary.

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(7) Where the heir or devisee fails to give the notice provided in this rule, or to furnish such proof as may be required of him, the right to, or interest in, such lot shall revert to the Council.

(8) The Secretary shall cause every notice received by him to be registered in the books of the cemetery.

(9) 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 Secretary the appropriate fees as set out in Part II of the Schedule and no such transfer or devolution shall be registered until such fee is paid. Schedule.

16. The purchaser of an exclusive right of burial with respect to a lot shall within six months of the date of purchase of such lot— Enclosure of lots.

- (a) enclose the lot by a suitable wall, railing or other fence in accordance with a plan or specifications approved by the Council; or
- (b) place stone blocks, brick borders or appropriate permanent marks approved by the Council to designate the exact boundaries of the lot purchased.

17. Where the purchaser of a lot with respect to which an exclusive right of burial has been granted fails to have such lot enclosed within the specified time, the Council may take appropriate action to have the lot enclosed and to recover any amount thus expended. Failure to enclose lots.

18.—(1) A person proposing to enclose a lot or to erect or place any tomb, monument, gravestone, tablet or monumental inscription on any lot or grave, shall submit to the Council in duplicate, a plan or specifications of the proposed erection as the Council thinks fit, and the Council may— Procedure for enclosure of lots.

- (a) approve of such plan or specification as submitted;
- (b) cause such plan or specification to be amended or altered; or
- (c) refuse to approve the plan or specification, stating its reason in writing.

(2) A copy of such plan or specification, endorsed with the decision of the Council and signed by the Secretary shall be delivered to the applicant and shall be produced to the keeper on demand at all times during the performance of the works specified therein.

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Vaults and
graves.

19. The Council may, as it thinks fit, upon the payment of the prescribed fees, permit any vault or grave to be made or dug and any monument or tombstone to be erected or placed in the cemetery.

Construction
of vaults.

20. A 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 bricks, stone or other hard suitable material properly bonded and solidly put together—

- (a) with mortar compounded of lime and clean, sharp sand or other suitable material; or
- (b) with cement; or
- (c) with cement mixed with clean, sharp sand.

Procedure after
burial in vaults.

21. A 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 of the coffin in the vault containing the body, cause the coffin to be—

- (a) embedded in and covered with a layer of cement concrete, not less in any part than six inches in thickness; or
- (b) enclosed in a separate cell or receptacle which shall be constructed of slate or stone flagging, not less than two inches in thickness and properly jointed in cement or other brick work in cement, in such manner as to prevent as far as may be practicable the escape of any foul smell or noxious exhalation from the interior of the cell or receptacle into the cemetery.

Unightly
inconvenient
vegetation, etc.

22. Where a tree, shrub, or other vegetation, or part thereof situated in any lot or on the space appropriated to any grave—

- (a) becomes or tends to become injurious to the health of any user of the cemetery;
 - (b) causes damage to an adjacent lot, grave, pathway, or roadway;
 - (c) inconveniences users of the cemetery or passers-by; or
 - (d) mars the effect or beauty of the cemetery,
- the keeper shall cause the said tree, shrub, or other vegetation, removed or such parts thereof, as may be injurious, unsightly or inconvenient.

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23. Except with the written permission of the Council, the keeper or other officer or servant of the cemetery or Council shall not have any financial interest in any business concerning—

Conflict of interest

- (a) the enclosure of lots;
- (b) the building of vaults;
- (c) the erection of graves, tombs, monuments or sepulchral structures; or
- (d) any business which creates or is likely to create a conflict of interest with his duties as keeper.

24.—(1) An application for a workman's licence under these Rules shall be made to the keeper and accompanied by the prescribed application fee as set out in Part II of the Schedule.

Workman's licence.

Schedule.

(2) The keeper may issue a licence only where he is satisfied that a workman is employed by the purchaser of a lot to do such work in connection with that lot as is necessary.

(3) A workman employed by the purchaser of a lot shall, while in the cemetery and whenever required so to do by the keeper, produce his licence for inspection.

25.—(1) Every person commits an offence who in a cemetery—

Offences and penalties.

- (a) interrs any deceased person except in accordance with the provisions of these Rules;
- (b) causes or allows any cattle, sheep, horses or other animal to trespass on such cemetery;
- (c) when required to remove any such animal, by notice from the keeper, whether oral or otherwise, fails to do so within the time specified;
- (d) wilfully destroys or does or causes to be done any damage to a building, vault, tombstone, sign, effigy, monument, fence, railing or other erection;
- (e) on completion of any work on a lot, fails to remove or cause to be removed from such cemetery all rubbish or debris resulting from the work;
- (f) erects or causes to be erected any sign, monument, gravestone or effigy without the prior consent of the Secretary or Council;

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- (g) encloses a grave without the prior consent of the Secretary or Council;
- (h) wilfully or unlawfully disturbs any persons lawfully assembled in such cemetery for the purpose of burying any body therein;
- (i) damages or removes any vegetation which is part of such cemetery;
- (j) litters such cemetery with garbage, paper, bottles or any other waste material;
- (k) kindles a fire in a cemetery except in an area which is designated for that purpose;
- (l) drives a motor vehicle or rides a cycle or moped except along a route which is designated for that purpose;
- (m) parks a vehicle, cycle or moped except in an area designated for such parking;
- (n) loiters after opening hours;
- (o) discharges firecrackers or other pyrotechnics;
- (p) behaves in a manner which is likely to disturb or annoy other users of the cemetery;
- (q) plays football, cricket, boardgames or engages in any boisterous game or activity or in any game or activity which is likely to injure another person;
- (r) engages in a commercial activity, except with the written permission of the Secretary;
- (s) consumes intoxicating beverages;
- (t) play cards, roulette or any other game of chance, for money;
- (u) holds or participates in a public meeting, demonstration or political meeting;
- (v) being in charge of a wagon or cart, except with the prior consent of the keeper, takes or allows that wagon or cart into such cemetery; or
- (w) enters or leaves such cemetery except through an authorized gate.

(2) An animal found within a cemetery without the written permission of the keeper of that cemetery, may be destroyed or otherwise dealt with in accordance with the provisions of the Pound Act.

(3) In addition to the penalty prescribed by section 27 of the Act, the keeper shall request any person who contravenes a provision of these Rules to leave the cemetery and may take such steps as are necessary to have a person who refuses or neglects to leave the cemetery when requested by him to do so removed therefrom.

26. The Council is not liable for loss or damage to any monument, grave, effigy or the fence of an enclosure. Disclaimer.

**SCHEDULE (Rules 2, 13, 15, 24)
PART I**

List of Public Cemeteries (Rural and Urban) in the Parish of St. Thomas

<u>Rural</u>	<u>Urban</u>
Morant Bay, Yallahs, Bath (Friendship), Law Valley, Buckingham, Golden Valley, Citron Valley	

**PART II
Fees**

	<u>Rural</u>	<u>Urban</u>
Fees and sums payable:	\$	\$
For the exclusive right of burial—		
(a) half lot	375.00	900.00
(b) full lot	625.00	1,500.00
For registering the transfer or devolution of any exclusive right of burial	150.00	150.00
For the interment in the cemetery of the body of a deceased person—		
(a) over 10 years of age—		
(i) vault	250.00	600.00
(ii) grave	125.00	300.00
(b) 10 years of age and under—		
(i) vault	150.00	300.00
(ii) grave	75.00	200.00
For the right to erect or construct—		
(a) mausoleum	2,500.00	2,500.00
(b) tomb	125.00	300.00
(c) monument	2,500.00	2,500.00
For exhumation—		
For the right to re-open vault for burial of another person where a body is already interred	150.00	150.00

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SCHEDULE, *contd.*

For the re-opening of a grave or vault
under licence of the Minister under
section 21 of the Act

payment of local costs in-
curred by Council for both
rural and urban areas.

Licence for clearing human remains from
international airports

\$100.00 \$100.00

Clearance exercise

payment of local costs in-
curred by Council for both
rural and urban areas.

Use of lowering device—

For hireage of device to lower coffin into
grave

\$50.00 \$50.00

For workman's licence

50.00 50.00