

# 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, stone-work 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.