
Rules made under s. 11.

CEMETERY RULES**Repealed by Act 2018-15 as from 18.10.2018¹****(1928.11.22)**

Amending enactments	Relevant current provisions	Commencement date
rules of 4.5.1934	rr. 2(1), 4(2) and 13	
7.5.1943	r.18(2)	
31.3.1949	r. 6(1)	
11.5.1950	r. 5	
23.6.1960	rr. 6(1) and 18(2)	
regs. of 28.5.1970	r. 9(5)	
L.Ns 121/1973	rr. 5 and 21	
1974/063	r. 2(2)	
1974/068	–	
1981/094	Sch. 2	
1986/042	Sch. 2	1.5.1986
1987/078	Sch. 2	1.5.1987
1991/126	rr. 8 and 11	18.7.1991
1995/036	Sch. 2	14.3.1995

¹ For Transitional Provisions see s.17 of the Cemeteries Act 2018 (2018-15)

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Repealed

**Subsidiary
1928.11.22**

Cemetery

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SCHEDULE 1.

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Title.

1. These rules may be cited as the Cemetery Rules.

Opening of the cemetery.

2. (1) The cemetery shall be open to the public daily, except in special circumstances, from 7 o'clock in the forenoon until such hour as may from time to time be fixed by the Superintendent with the approval of the Governor.

- (2) No burial shall take place before 9 o'clock in the morning or after 6 o'clock in the afternoon during the months of March to September or before 10 o'clock in the morning or after 5 o'clock in the afternoon during the months from October to February except by the leave in writing of the Superintendent and on payment of the prescribed additional fee.

Admission to cemetery.

3. (1) All persons admitted into the cemetery shall be subject to the rules of the cemetery and the control of its officers.

- (2) Children under ten years of age shall not be admitted, unless accompanied by some responsible person.

Damage.

4. (1) Any damage or injury done to the shrubs, roads, graves, vaults, monuments, walls or other property in the cemetery shall be made good at the cost of the person or persons causing the same; and the expense incurred shall be recoverable in a summary manner at the suit of the Superintendent.

- (2) Except when actually visiting a grave, all persons walking in the cemetery shall keep to the paths and shall not gather any flowers or do injury to any shrubs or plants.

- (3) Cycling within the precincts of the cemetery is prohibited.

Construction of graves, etc.

5. (1) No person shall construct or repair any grave in the cemetery except in accordance with the permission in writing of the Superintendent.

- (2) Any permission granted by the Superintendent may be subject to any such conditions as he may think fit to impose and, without prejudice to the generality of the foregoing, such conditions may relate to the dimensions,

form or material of the grave and to the time during which work thereon in the cemetery may be carried out.

(3) Where any grave has been erected without written permission or in contravention of any of the conditions imposed in such permission the Superintendent may order the person responsible therefor to alter or remove such grave.

(4) Every person constructing or repairing any grave shall obey the instructions and orders of the Keeper.

(5) For the purpose of this rule "grave" includes a vault, headstone and monument.

Erection of monuments, etc.

6. (1) Authority shall not issue for the construction of a vault, or the erection of a monument until the prescribed fee for the appropriate plot of ground shall have been paid and the name and address of the person to be registered as the owner supplied to the Superintendent, except that in the cases of monuments erected—

- (a) by the Commonwealth War Graves Commission, no charges shall be made; and
- (b) to civilians whose death is attributable to the War of 1914-19, or to the War of 1939-45, the charges may be remitted.

(2) All vaults shall be built in the manner, and of the material described in a specification which may be seen on application to the Keeper of the cemetery.

(3) Before permission is given for the erection of any monument or tomb, a sketch or description of the proposed monument, giving the dimensions and also the inscription to be placed thereon, shall be deposited with the Superintendent and any inscription proposed to be cut on existing tomb-stones shall in like manner be submitted to the Superintendent for approval, previous to the work being commenced.

(4) Previous to any such erection or cutting of inscription the fee prescribed in Schedule 2 shall be paid.

(5) All graves including those of still-born children shall be so marked as to admit of ready identification.

No sale without consent.

7. No sale or transfer of any vault or monument shall be made without the consent of the Superintendent.

Notice of proposed interment.

8. (1) A notice of any proposed interment, in the form prescribed in Schedule 1 and containing the particulars required by such form shall be handed to the Keeper at his office at the cemetery before 4 o'clock in the afternoon of the day preceding that appointed for the burial:

Provided that the Keeper may in his discretion accept such notice up to 9 o'clock in the forenoon on the day of the burial and where—

- (a) it is in the opinion of the Keeper practical to do so; and
- (b) the requirement of rule 11 can be satisfied,

the interment may take place on the same day on which the death has occurred.

(2) All fees and charges shall be paid at the time of giving such notice. Whenever this rule is not complied with the body will only be permitted to enter the cemetery if deposited in the mortuary at the prescribed fee until the grave shall have been prepared.

Digging of graves.

9. (1) No person shall be allowed to dig any grave, or open any vault or grave except with the permission of the Superintendent and under the direction of the Keeper:

Provided always that no such permission to open any vault or grave within twelve months of a burial having taken place in that vault or grave shall be given except for very exceptional reasons.

(2) In all cases the grave will be dug, or the vault opened, by servants of the cemetery.

(3) In all cases where graves or vaults are open for interments or other purposes, the grave or vault shall be thoroughly disinfected under the supervision of the Keeper who is supplied with the necessary materials.

(4) On a proper application the Superintendent shall have power to authorize the removal of any body, provided that the applicant produces a certificate from the Director of Medical and Health Services that in his opinion there is no sanitary objection to such removal.

(5) In all cases of removal of bodies the Superintendent shall inform the Director of Medical and Health Services in order that, should he think fit, an environmental health officer may be present during the removal.

(6) The fee prescribed in Schedule 2 shall be paid in addition to the usual fee, to cover the cost of disinfectants when used in the above circumstances.

Selection of sites.

10. The selection of sites for graves or vaults shall in all cases rest with the Superintendent.

Burial certificates.

11. (1) Previous to the interment of any body, except that of a member of Her Majesty's Forces, the certificate of the Registrar of Births and Deaths that the death has been registered or part registered (or the Coroner's warrant when an inquest has been held) must be delivered to the officiating minister or to the Keeper in accordance with the provisions of section 35 of the Births and Deaths Registration Act.

(2) The body of any deceased child alleged to have been still-born shall not be buried in the cemetery except in accordance with the provisions of section 36 of the Births and Deaths Registration Act.

Depth of graves.

12. No coffin shall be buried in any unwallied grave at a less depth than four feet measured from the ordinary surface of the ground to the top of the coffin.

Power to remit burial fees.

13. Where a certificate is produced from the officiating minister, the Commissioner of Police, the Coroner or the Administrator, Medical and Health Department, that the friends of the deceased are in extremely necessitous circumstances, the Superintendent may remit half the usual burial fees.

Deposit of materials.

14. (1) No person shall deposit any material in the cemetery other than that required for the construction of any vault, monument or other correlative work.

(2) Any material deposited outside the entrance gates of the cemetery for use therein shall be removed within a reasonable time.

(3) All surplus materials, or rubbish left after the completion of any vault, monument or other work shall be removed outside the cemetery or spread in the cemetery as the Keeper may direct, and the place left clean and tidy.

Nothing to be removed.

15. No person shall remove any property from within the precincts of the cemetery, including any wreath, case, frame, ribbon or other thing deposited on any grave, tomb or vault without the permission in writing of the owner or of the Superintendent or Keeper.

Planting of trees, etc.

16. No tree or shrub or wooden railing shall be planted or fixed around any grave without the permission of the Superintendent or Keeper.

Reopening of graves.

17. Graves for which the charges prescribed in Items Nos. 18 and 19 in Schedule 2 have not been paid will be liable to be reopened for purposes of interment after a lapse of years always excepting the war graves where the charges were specially remitted.

Cleaning of graves.

18. (1) The Keeper shall, on payment of the prescribed fee, cause any private grave to be weeded and kept clean by the servants of the cemetery.

(2) The weeding and cleaning of all graves under the jurisdiction of the Commonwealth War Graves Commission shall be carried out by the servants of the cemetery under the supervision of the Keeper and no fee shall be charged for such service.

Receipts.

19. Printed receipts shall be given in all cases for every fee or charge made at the cemetery.

Fees.

20. The fees prescribed in Schedule 2 shall be payable as therein specified.

Penalties.

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21. A person who is in breach of any of the provisions of these rules or who fails to comply with any order or instruction given hereunder, or who is in breach of any condition of any written permission, is guilty of an offence and is liable on summary conviction to a fine of £25.

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SCHEDULE 1.

FORM OF NOTICE OF BURIAL.

Rule 8

To the Keeper of the Cemetery.

Please { prepare a grave } for the burial of the body
 { open a vault }

of the person hereunder mentioned:—

Name and surname

Navy, Army or Air Force Rank

Sex

Age

Religion

Coffin: length

height

width

Date and Hour of Funeral at Cemetery: on day of
19 , at

Dated at Gibraltar this day of , 20 .

(Signature)

SCHEDULE 2.

Rules 2, 6, 9(6),
17 and 20

TABLE OF FEES

I.-Payable to the Keeper.

	Persons of or over 10 years £	Children under 10 years £
1. For interment in a vault.	52.00	30.00
2. For interment in an ordinary grave.	40.00	24.00
3. For interment of a still-born child in a vault.	-	-
4. For interment of a still-born child in an ordinary grave.	-	-
5. For interment in a vault or an ordinary grave from the under-mentioned Institutions when a certificate is produced that the deceased was an inmate and that the funeral was undertaken at the cost of the Institution:—		
(a) St. Bernard's Hospital		
(b) King George V Hospital	8.00	4.00
6. For interment after the prescribed hours add 50% to fees as in Items Nos. 1 to 5.		
7. (a) For opening a vault	24.00	24.00
(b) For opening a grave	30.00	30.00
(c) For opening a grave of a still-born child.	-	-
8. For removal and transfer of remains from a vault or grave to a vault, grave or mortuary (where re-arrangement of contents or drainage is not required or		

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requested) (In addition to fees in 1, 2, 4 and 6 as appropriate).	8.00	8.00
9. For removal or re-arrangement of remains in a vault if necessary or if required by owner (including drainage of water if required).	42.00	42.00
10. For disinfectants used when vaults are opened (under Items Nos. 1-6) and when foundations of monuments are put in.	2.00	2.00
11. For permission to cut any inscription (subject to approval) on any existing tomb.	1.00	1.00
12. For search of Register Book.	1.00	1.00
13. For certificate of result of search.	1.00	1.00

II.— Payable to the Superintendent.

	Persons of or over 10 years £	Children under 10 years £
14. For depositing any body in the mortuary per day or part of a day.	5.00	5.00
15. For a plot size 9' 0" x 8' 0" (i.e. 72sq. ft.) or equivalent area with entrance 5' 6" x 4' 0" for constructing a large vault and monument.	45.00	—
16. For two adjoining plots size 8' 0" x 4' 6" each (i.e. 72sq. ft. in all) or equivalent area with entrance 5' 6" x 4' 0" to each for constructing two small vaults and monument.	45.00	—
17. For three adjoining plots size 8' 0" x 4' 6" each (i.e. 108sq. ft. in all) or equivalent area with entrance 5' 6" x 4' 0" to each for constructing three small vaults and monument.	90.00	—

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18.	For a plot size 8' 0" x 4' 6" (i.e. 36sq. ft.) or equivalent area with entrance 5' 6" x 4' 0" for constructing a small vault and monument.	18.00	—
19.	For a plot size 6' 6" x 2' 6" for erecting a monument.	7.00	—
20.	For a plot size 5' 0" x 2' 6" for erecting a child's monument.	—	6.50
21.	For each additional square foot or part of a foot, not exceeding 5 square feet.	1.00	1.00
22.	For weeding and cleaning a grave, per annum.	2.25	1.50
23.	For weeding and cleaning a grave, in perpetuity.	50.00	50.00
24.	For the Superintendent's consent to a sale or transfer of a vault or monument.	1.00	1.00

NOTE: No fee will be charged for small wooden crosses not exceeding 2' 6" high by 1' 8" wide, but authority must be obtained for erection.