

NEW ZEALAND.



TRICESIMO OCTAVO

VICTORIÆ REGINÆ.

No. LVIII.

ANALYSIS.

<p>Title.</p> <p>Preamble.</p> <p>1. Short Title.</p> <p>2. Discontinuance of cemeteries. Cemetery closed under this Act to be maintained as a reserve.</p> <p>3. Penalty for burying contrary to the provisions of the Order in Council.</p> <p>4. Relatives of deceased may cause body to be removed under certain conditions.</p>	<p>5. Superintendent may make rules and regulations for the conduct &c. of cemeteries.</p> <p>6. Inspection of cemeteries, &c.</p> <p>7. Management of burial-grounds.</p> <p>8. Superintendent may sell lands not required.</p> <p>9. Legal rights not barred.</p> <p>10. Separate burial-grounds for denominations.</p> <p>11. Maintenance of denominational burial-grounds.</p> <p>12. Saving of rights of denominational trustees.</p> <p>13. Appropriation of moneys.</p> <p>14. Cremation.</p>
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AN ACT to provide for closing certain Burial-Grounds. Title.

[31st August, 1874.]

WHEREAS it is expedient for the protection of the public health Preamble.
that burials should be discontinued in certain burial-grounds
throughout the colony:

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. The Short Title of this Act shall be "The Burial-Ground Short Title.
Closing Act, 1874."

2. In case it shall at any time appear to the Governor in Discontinuance of
cemeteries.
Council that burials in any cemetery or other burial-ground or place
of burial whatsoever should be wholly discontinued, or should be
discontinued subject to any exception or qualification, then as soon
as the Superintendent of the province in which the said cemetery or
burial-ground is shall have provided a sufficient burial-ground not
within the limits of any town, and shall have made such arrangements
for the interment of the dead therein as shall be satisfactory to the
Governor in Council, the Governor in Council may, by an order to be
published in the *Government Gazette*, direct that after a time to be
mentioned in such order, not being less than six months from the date
thereof, burials in such cemetery or burial-ground or place of burial shall
be discontinued, subject to the following exceptions, namely, a husband
or wife in the same grave with his or her wife or husband buried
previously to the closing of such cemetery, a parent with a child
buried previously to the closing of such cemetery, a child with a
parent buried previously to the closing of such cemetery, a brother
with a sister or a sister with a brother buried previously to the closing of

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such cemetery, and may from time to time postpone the time mentioned in such order for the discontinuance of burials, or otherwise vary any such order, whether the time appointed for the discontinuance of burials thereunder or other operation of such order shall or shall not have arrived.

Cemetery closed under this Act to be maintained as a reserve.

Subject as hereinafter mentioned, from and after the date of such order, any cemetery or burial-ground so closed shall be maintained in good order by the trustees or other persons or body in whom or in which the same is vested, as a public reserve, open to the public under such rules and regulations as may from time to time be made under the powers hereinafter conferred on the Superintendent of the province in which the same is, and such reserve shall not be sold or leased, nor diverted to any other purpose.

Penalty for burying contrary to the provisions of the Order in Council.

3. If any person, after the time mentioned in any such order, shall bury any body, or shall in anywise act or assist in or shall suffer or permit the burial of any body in any cemetery burial-ground or place of burial, as the case may be, in which burials have by any such order been ordered to be discontinued, such body not being that of a person within the degrees of relationship hereinbefore excepted, he shall, upon conviction before any two Justices, forfeit a penalty not exceeding one hundred pounds.

Relatives of deceased may cause body to be removed under certain conditions.

4. It shall be lawful for the relatives of any deceased person, with the consent in writing of the Superintendent of the province within which any such cemetery or burial-ground is situate, to cause the body of such deceased person to be removed from such cemetery or burial-ground within which burials are prohibited, and to be interred in any burial-ground within which burials are not for the time being prohibited.

Superintendent may make rules and regulations for the conduct &c. of cemeteries.

5. The Superintendent of the province within which any cemetery burial-ground or place of burial to which any order made under the second section of this Act shall apply, may from time to time make such rules and regulations not inconsistent with this Act as to him may seem proper for the protection of the public health and the maintenance of public decency, and for the regulation and conduct of persons using or frequenting any such cemetery or burial-ground, and may impose such fine, not exceeding five pounds, to be recovered before any two or more Justices of the Peace in a summary manner, for the breach of any such regulation, as to the Governor in Council may seem fit.

The trustees, and all persons having the care of such cemeteries burial-grounds and places of burial, shall conform to and obey and enforce such regulations.

Inspection of cemeteries, &c.

6. The Superintendent may from time to time appoint and authorize any person to inspect any cemetery burial-ground or place of burial, and ascertain the state and condition thereof, and where regulations in relation thereto have been made as in the last preceding section mentioned, to ascertain whether such regulations have been observed and complied with; and if any trustee or other person having the care of any such cemetery or burial-ground or place of burial, subject to such regulations as aforesaid, shall violate or neglect or fail to conform to or obey or to enforce any such regulations, he shall, on conviction before any two Justices, forfeit and pay a sum not exceeding ten pounds.

Management of burial-grounds.

7. The burial-grounds to be established under this Act shall be managed in manner provided by any Act of the Superintendent and Provincial Council of the province in which such cemetery or burial-ground is situated heretofore or hereafter to be passed for the management of public cemeteries, subject to the provisions of this Act.

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8. It shall be lawful for the Superintendent from time to time to sell and dispose of any lands purchased by him under this Act which may not be required for a burial-ground, and which may not have been used for the burial of the dead; and for completing and carrying any such sales into effect he may make sign and execute a conveyance of the land, and the signature thereof by the Superintendent shall be deemed to be a good valid and effectual execution, and a receipt for the purchase money therein shall be a discharge to the purchaser. The money to arise from such sale and disposal shall be subject to appropriation by the Provincial Council of the province in which such cemetery or burial-ground is situated.

Superintendent
may sell lands not
required.

9. Nothing in this Act contained shall take away from or deprive any person of the right to proceed by way of indictment for a nuisance, or to take any other legal proceedings he may think fit.

Legal rights not
barred.

10. Upon the request of the governing body of any separate religious denomination or sect, the Superintendent may, upon such terms and conditions not inconsistent with the known tenets or usages of such religious denomination or sect, permanently appropriate and set apart a portion of any burial-ground provided under this Act to be used for the exclusive interment of the bodies of members of such denomination or sect.

Separate burial-
grounds for de-
nominations.

11. Every denomination or sect shall provide for the maintenance and care of any burial-ground appropriated to its exclusive use, and shall have the direction of the order and course in which such ground shall be opened and used for the purpose of interment, and the times at which interments in such burial-grounds may take place, and as to the setting up of headstones and monuments with the inscriptions thereon, and the removal of such headstones or monuments; and the Superintendent shall provide in like manner and have the same powers in respect of burial-grounds not appointed to the exclusive use of any denomination or sect.

Maintenance of
denominational
burial-grounds.

12. Nothing in this Act contained shall be construed to divest alter or affect the right title or interest of any trustees of any religious denomination, or any person or persons, in or to any places in the existing burial-grounds, or in or to any vault monument headstone mortuary chapel or any other place matter or thing in the existing burial-grounds, with free right of ingress and egress as they respectively now have in from and through the same, or such right of control and management of the site of such burying-places, save as to future interments, as provided by clause two of this Act.

Saving of rights of
denominational
trustees.

13. All sums received for the purchase of sites of graves in the burial-grounds appropriated to any denominations, and in any burial-ground not appropriated exclusively to any denomination or sect as hereinbefore provided, and all fees or sums to be paid upon interments in any such burial-grounds as aforesaid, shall be received by the respective trustees of such burial-grounds, and be by them applied to the erection and maintenance of the necessary buildings and fences, and to all matters connected with the maintenance and good order of such burial-grounds.

Appropriation of
moneys.

14. It shall be lawful for any person, by will or deed duly executed, to direct that his or her body shall after death be disposed of by burning the same to ashes instead of by burial in the earth; and it shall be lawful for the executor or executors of such person to carry into effect such direction: Provided that such burning shall be conducted in a manner which shall not create any public or private nuisance.

Cremation.