

**Reprint
as at 9 June 1967**



**Burial and Cremation (Removal
of Monuments and Tablets)
Regulations 1967**
(SR 1967/118)

Bernard Fergusson, Governor-General

Order in Council

At the Government House at Wellington this 7th day of June 1967

Present:
His Excellency the Governor-General in Council

Pursuant to the Burial and Cremation Act 1964, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

These regulations are administered by the Ministry of Health.

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Regulations

1 Title and commencement

- (1) These regulations may be cited as the Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967.
- (2) These regulations shall come into force on the day after the date of their notification in the *Gazette*.

2 Interpretation

In these regulations, unless the context otherwise requires,—
Act means the Burial and Cremation Act 1964

appropriate authority means the local authority, trustees, manager, or other individual, or the body corporate, for the time being having the control and management of a cemetery or burial ground or closed cemetery or closed burial ground.

3 Appropriate authority to give notice to person entitled to maintain monument or tablet

- (1) If an appropriate authority proposes to remove any dilapidated or neglected monument or tablet from a cemetery or burial ground or closed cemetery or closed burial ground, of which it has the control and management and in respect of which an Order in Council is not in force under section 45 of the Act, it shall cause to be served on any known person entitled to maintain the monument or tablet a notice in form 1 of the Schedule.
- (2) A notice required by subclause (1) to be served on a person may be served by delivering it to that person personally or by leaving it, or by sending it by post in a registered letter addressed to him, at his usual or last known place of abode or

business in New Zealand or, if he is absent from New Zealand, by delivering it in any manner aforesaid to any person in New Zealand who is authorised by the first mentioned person to receive notices on his behalf.

- (3) Any notice sent by post in the manner prescribed by subclause (2) shall be deemed to have been served at the time at which the letter would have been delivered in the ordinary course of post.

4 Proposal to be advertised if person entitled to maintain cannot be identified or found

- (1) If the appropriate authority—
- (a) does not know, and cannot by diligent inquiry ascertain, the identity of any person entitled to maintain a monument or tablet in respect of which it seeks to serve a notice pursuant to regulation 3; or
 - (b) does not know an address of any person entitled to maintain such monument or tablet, and cannot by diligent inquiry find any such person or ascertain any such address, and, in any case where any such person is believed by the appropriate authority to be absent from New Zealand, does not know, and cannot by diligent inquiry ascertain, the name and address of a person in New Zealand who is authorised by the first mentioned person to receive notices on his behalf,

the appropriate authority shall publish at least twice in each of 2 newspapers or at least 4 times in one newspaper circulating in the district, in which the cemetery or burial ground or closed cemetery or closed burial ground, as the case may be, is situated, at intervals of not less than 7 days a notice in form 2 of the Schedule.

- (2) Any notice published pursuant to subclause (1) may relate to both monuments and tablets and to more than 1 monument and more than 1 tablet.

5 Power of appropriate authority to remove dilapidated or neglected monument or tablet

An appropriate authority may remove any dilapidated or neglected monument or tablet if the monument or tablet has not

been repaired or replaced to the satisfaction of the appropriate authority in accordance with the Act and any bylaws of the appropriate authority that may be material within 3 months, or such extended time as the appropriate authority may in any particular case allow, after the date of the service of a notice, or, if more than 1 notice relating to the same monument or tablet is served, after the date of the last such service, pursuant to regulation 3, or after the date of the last publication of a notice pursuant to regulation 4, as the case may require.

Schedule

r 3(1)

Form 1

Notice of proposal removal of monument or
tablet

Burial and Cremation Act 1964

To [*name, address*]

Take notice that the monument (*or tablet*)* described below and situated in [*name of cemetery or burial ground*] is dilapidated (and neglected)* and that, pursuant to the Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967, the [*name of appropriate authority*], being the appropriate authority for the purposes of those regulations, intends to remove that monument (*or tablet*)* if it is not repaired or replaced to the satisfaction of that authority in accordance with the Burial and Cremation Act 1964 and any bylaws of that authority that may be material within 3 months after the date of the service of this notice upon you or within such extended time as that authority may allow.

Description of monument (*or tablet*)*†:

Date:

Signature:

*Strike out words which do not apply.

†The description must be sufficient to identify the monument or tablet.

Form 2 r 4(1)
Notice of proposed removal of monument or
tablet

Burial and Cremation Act 1964

The [*name of appropriate authority*] hereby gives notice that, pursuant to the Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967, it intends to remove the monument (*or* tablet)* (*or* such of the monuments (*or* tablets)* described below and situated in [*name of cemetery or burial ground*] (unless the said monument (*or* tablet)* is *or* (as are not)* repaired or replaced to the satisfaction of the said [*name or kind of appropriate authority*] before [*date*]).

Description of monument(s) *or* tablet(s)*†:

Date:

Signature:

*Strike out words which do not apply.

†The description or descriptions must be sufficient to identify the monument(s) or tablet(s).

T J Sherrard,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations provide for the removal of dilapidated or neglected monuments and tablets from cemeteries and burial grounds and closed cemeteries and closed burial grounds, and prescribe the procedure to be followed by the authorities wishing to effect their removal.

Reprinted as at **Burial and Cremation (Removal of
9 June 1967 Monuments and Tablets) Regulations 1967**

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 8 June 1967.

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Notes**1 General**

This is a reprint of the Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967. The reprint incorporates all the amendments to the regulations as at 9 June 1967, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, see <http://www.pco.parliament.govt.nz/reprints/>.

2 Status of reprints

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 How reprints are prepared

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not

included in Acts, and provisions that are repealed or revoked are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 Changes made under section 17C of the Acts and Regulations Publication Act 1989

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint
(most recent first)*
