



## NEW ZEALAND

### ANALYSIS

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| <p>Title.</p> <ol style="list-style-type: none"> <li>1. Short Title.</li> <li>2. Employees of cemetery Trustees not disqualified from acting as Trustees.</li> <li>3. Cremation of poor persons.</li> </ol> | <ol style="list-style-type: none"> <li>4. Trustees may undertake maintenance of graves in lawn cemetery.</li> <li>5. Delegation of Minister's powers.</li> <li>6. Amending provisions as to setting aside private burial grounds. Repeal.</li> </ol> |
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1950, No. 42

Title.

AN ACT to Amend the Cemeteries Act, 1908.

[10th November, 1950

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

Short Title.

**1.** This Act may be cited as the Cemeteries Amendment Act, 1950, and shall be read together with and deemed part of the Cemeteries Act, 1908 (hereinafter referred to as the principal Act).

See Reprint of Statutes, Vol. I, p. 731

Employees of cemetery Trustees not disqualified from acting as Trustees.

**2.** Section four of the principal Act is hereby amended by adding the following subsection:—

“(4) Notwithstanding anything to the contrary in any Act or rule of law, no person shall be incapable of being at the same time a Trustee of a cemetery and in the employment of the Trustees of that cemetery.”

Cremation of poor persons.

**3.** Section twenty-five of the principal Act is hereby amended as follows:—

(a) By inserting in subsection one, after the words “The Trustees”, the words “or the controlling authority of any crematorium”:

(b) By inserting in the same subsection, after the words "buried in the cemetery", the words "or cremated in the crematorium".

4. The principal Act is hereby amended by inserting, after section thirty, the following new section:—

Trustees may undertake maintenance of graves in lawn cemetery.

"30A. (1) The Trustees of a cemetery which is a lawn cemetery or of which a portion has been set apart as a lawn cemetery may enter into agreements to maintain, either in perpetuity or for specified periods, the grassed surface of the graves in the cemetery or in that portion, as the case may be, and may by resolution prescribe the fees to be taken in respect of those agreements.

"(2) All such fees received by the Trustees shall, unless the Minister otherwise directs, be invested in such securities (being securities in which, for the time being, trust moneys may lawfully be invested under the provisions of the Trustee Act, 1908), in such manner, and for such periods as the Trustees may decide.

See Reprint of Statutes, Vol. VIII, p. 873

"(3) When the cemetery has been closed under the provisions of this Act, the Trustees may continue to apply any moneys received by them under this section and then unexpended in the maintenance of the graves in the cemetery or in the lawn portion thereof, as the case may be, or may apply the whole or any part of those moneys in the erection in the cemetery of a suitable memorial inscribed with the names of the persons known to be interred therein or in that portion.

"(4) Subject to the provisions of this section, the income derived from the investment of moneys received by the Trustees under this section shall be applied by them in the maintenance of the graves in the cemetery or in the lawn portion thereof, as the case may be, in respect of which the moneys were received."

5. The principal Act is hereby amended by adding the following new section:—

Delegation of Minister's powers.

"93. (1) The Minister may from time to time delegate to any officer of the Department of Health such of the powers conferred on him by this Act (other than the powers conferred by section fifty-nine of this Act or by section three of the Cemeteries Amendment Act, 1912) as he thinks fit, including the power of delegation conferred by this section.

Ibid., Vol. I, p. 754

“(2) Subject to any general or special directions given or conditions attached by the Minister, the person to whom any powers are so delegated may exercise those powers in the same manner and with the same effect as if they had been conferred on him directly by this Act and not by delegation.

“(3) Every person purporting to act pursuant to any delegation under this section shall be presumed to be acting in accordance with the terms of the delegation in the absence of proof to the contrary.

“(4) Any delegation under this section may be made to a specified person or to persons of a specified class, or may be made to the holder or holders for the time being of a specified office or class of offices.

“(5) Any delegation under this section may be at any time revoked, in whole or in part, by the Minister or by any person by whom it was made.

“(6) The delegation by the Minister or by any other person of any powers conferred on him by or by virtue of this Act shall not prevent the personal exercise of those powers by the Minister or by that other person.

“(7) For the purposes of this section, section twenty-six of the Finance Act, 1930 (No. 2), shall be deemed to be part of this Act.”

6. (1) Section two of the Cemeteries Amendment Act, 1912, as amended by section five of the Statutes Amendment Act, 1938, is hereby further amended by inserting, after the words “declare any parcel of land”, the words “wherein the body of any deceased person has been buried before the commencement of this Act”.

(2) Section five of the Statutes Amendment Act, 1938, is hereby repealed.

(3) Nothing in this section shall affect the validity or operation of any declaration of any land as a private burial ground made before the passing of this Act.

See Reprint  
of Statutes,  
Vol. I, p. 747

Amending  
provisions  
as to setting  
aside private  
burial  
grounds.  
Ibid., p. 754  
1938, No. 20

Repeal.