

This PUBLIC BILL originated in the LEGISLATIVE COUNCIL, and, having this day passed as now printed, is transmitted to the HOUSE OF REPRESENTATIVES for its concurrence.

Legislative Council,
10th October, 1912.

Hon. Mr. Bell.

CEMETERIES AMENDMENT.

ANALYSIS.

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A BILL INTITULED

AN ACT to amend the Cemeteries Act, 1908.

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

1. This Act may be cited as the Cemeteries Amendment Act, 1912, and shall form part of and be read together with the Cemeteries Act, 1908 (hereinafter referred to as the principal Act).

2. On the application by petition of any person the Governor may, if he thinks fit, by notice in the *Gazette* describing the land by metes and bounds and defining the persons or class of persons who may thereafter be buried therein, declare any parcel of land owned by the petitioner in fee-simple free from incumbrances, wherein the body of any deceased person has been buried prior to the commencement of this Act, to be a private burial-ground, subject to the provisions of this Act, to be called and known by a name mentioned in the notice; and thereupon the said parcel of land (hereinafter referred to as the private burial-ground) shall be deemed to be set apart in perpetuity as a private burial-ground for the persons or class of persons defined in the notice.

3. (1.) The Minister may appoint as many Trustees, not being fewer than three in number, as he thinks fit, to have the maintenance and care of the private burial-ground, and may from time to time remove any Trustee.

(2.) Where any such Trustee dies, or resigns his trusteeship, or becomes lunatic, or is removed by the Minister, or is absent from New Zealand for six consecutive months, the Minister may appoint a new Trustee in his place.

(3.) Every such appointment and removal shall be gazetted.

Title.

Short Title.

Private burial-ground may be set aside.

Appointment of Trustees.

Incorporation of Trustees.

4. Upon the first appointment of Trustees in pursuance of the *last preceding* section, the said Trustees shall, as from the date of such appointment, be a body corporate by the name of "The Trustees of the Private Burial-ground," having perpetual succession and a common seal and capable forthwith, subject to the provisions of this Act, of exercising all the functions of a body corporate and of holding land. 5

Trustees to hold land in fee-simple.

5. Upon the incorporation of the Trustees, as hereinbefore provided, the legal estate in the private burial-ground shall pass from the person or persons theretofore holding the same to the Trustees and shall thereupon become vested in them, without further conveyance, transfer, or other assurance; and the Trustees shall be entitled to become registered under the provisions of the Land Transfer Act, 1908, or the Deeds Registration Act, 1908, as the case may be, as the proprietors of the legal estate in the said parcel of land, and the production to the District Land Registrar of sufficient proof of the appointment of the Trustees shall be sufficient authority to such District Land Registrar to record such registration in manner provided by the said Acts respectively. 10 15

Gazette to be evidence of appointment of Trustees.

6. A copy of the *Gazette* containing a notice declaring a parcel of land to be a private burial-ground, or a notice of the appointment of any Trustees or Trustee shall be sufficient evidence of such declaration or appointment. 20

Powers of Trustees as to land limited by this Act.

7. The Trustees shall not use the private burial-ground for any purpose, except as a burial-ground authorized by this Act, or charge or alienate the same or any part thereof. 25

Trustees may hold endowments, and use proceeds for maintenance and improvement of burial-ground.

8. (1.) The Trustees may, in addition to the burial-ground, hold any real or personal property that may be vested in them as an endowment for the purposes of the said burial-ground; and may sell, lease, or otherwise dispose of the same on such terms and conditions as they think fit. 30

(2.) The proceeds of the sale of any part of the endowment may be invested in the purchase of lands for the purposes of the endowment or in any of the modes of investment authorized by the Trustee Act, 1908. 35

(3.) All rents or other profits derived from the endowment shall be applied by the Trustees for the maintenance, control, improvement, and upkeep of the burial-ground in such manner as the Trustees in their discretion think fit.

General powers of Trustees.

9. The Trustees shall, except in so far as is hereinafter expressly negatived or is inconsistent with the provisions of this Act, have all the rights, powers, and duties, and shall be subject to all the penalties by the principal Act granted to or imposed upon Trustees of cemeteries under that Act, and the provisions of that Act relating to cemeteries shall, so far as applicable, *mutatis mutandis*, apply in respect of Trustees and a private burial-ground constituted under this Act: 40 45

Provided that a private burial-ground shall not be used for the interment of any deceased person other than a person defined in the notice gazetted pursuant to section *two* hereof or a person of a class so defined. 50

10. If a private burial-ground is closed by Order in Council under section seventy-two of the principal Act, the Governor, by the order or any subsequent Order in Council, may provide for the vesting of the private burial-ground in any person or persons, and
 5 may, if he thinks fit, provide for the future maintenance of the private burial-ground.

Closing of a private burial-ground.

11. The provisions of sections twenty-three to twenty-five, thirty-one to forty-three, seventy-eight, and eighty to eighty-two of the principal Act shall not apply to a private burial-ground or to Trustees
 10 constituted under this Act.

Application of certain provisions of principal Act.