

CEMETERIES AMENDMENT BILL

EXPLANATORY NOTE

THE purpose of this Bill is to make three minor amendments to the Cemeteries Act, 1908.

Clause 2 extends section 25 of the principal Act (which provides for the free burial of the bodies of deceased poor persons) to provide for free cremation in those circumstances.

Clause 3 empowers the Minister to delegate to officers of the Department of Health certain specified powers conferred on him by the principal Act.

Clause 4 restores to section 2 of the Cemeteries Amendment Act, 1912, words which were omitted from that section by section 5 of the Statutes Amendment Act, 1938. The effect of restoring those words will be that only land in which the body of a deceased person was buried before the commencement of the Cemeteries Amendment Act, 1912, can be declared to be a private burial ground.

Hon. Mr. Watts

CEMETERIES AMENDMENT

ANALYSIS

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| Title. | 4. Amending provisions as to |
| 1. Short Title. | setting aside private burial |
| 2. Cremation of poor persons. | grounds. Repeal. |
| 3. Delegation of Minister's powers. | |

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
5 of the same, as follows:—

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).

10 2. 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”:

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

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

20 “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

Title.

Short Title.

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

Cremation of poor persons.

Delegation of Minister's powers.

Ibid., p. 754

by section three of the Cemeteries Amendment Act, 1912) as he thinks fit, including the power of delegation conferred by this section.

“(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. 5

“(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. 10

“(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. 15

“(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. 20

“(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.” 25

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

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

4. (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”. 30

Repeal.

(2) Section five of the Statutes Amendment Act, 1938, is hereby repealed. 35

(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. 40