

Serial Number 1940/99.



THE BURIAL-GROUND DEDICATION REGULATIONS 1940.

GALWAY, Governor-General.

WHEREAS by section 59 of the Cemeteries Act, 1908, provision is made for the dedication of denominational burial-grounds with the sanction of the Minister of Health :

And whereas by section 2 of the Cemeteries Amendment Act, 1912, provision is made for the setting-apart of land as private burial-grounds :

And whereas it is expedient to specify the means by which the sanction of the Minister for the purposes of the said section 59 may be obtained and the requirements under which land may be set apart as a private burial-ground :

Now, therefore, I, George Vere Arundell, Viscount Galway, Governor-General of the Dominion of New Zealand, acting in pursuance of section 79 of the Cemeteries Act, 1908, do hereby make the following regulations.

REGULATIONS.

1. These regulations may be cited as the Burial-ground Dedication Regulations 1940.

PART I.—DENOMINATIONAL BURIAL-GROUNDS.

2. Any persons desiring that land should be set apart as a burial-ground pursuant to section 59 of the Cemeteries Act, 1908, shall deliver to the Minister of Health particulars of the exact parcel of land the setting-apart of which is proposed.

3. If the land is not the whole of the land in certificate of title or the whole of a lot shown on a plan deposited in the District Land Registry or other official records, the applicants shall deliver to the Minister a description of the land together with a plan thereof, and the sufficiency and accuracy of the description and plan shall be certified by the Chief Surveyor.

4. The Minister shall communicate to the applicant his approval of the description of the land.

5. The applicants shall (unless this requirement be in any case dispensed with) deliver to the Minister a statutory declaration setting out the names, descriptions, and addresses of the persons in whom the land is vested and of all persons having any interest therein or encumbrance thereon (whether registered or unregistered), and stating whether such respective persons are entitled absolutely or as trustees or subject to any other limitations.

6. If any such person is entitled as a trustee or subject to any other limitations evidence shall be furnished showing that such person is lawfully empowered to consent or that there is no legal impediment to his consenting to the setting-apart of the land as a burial-ground.

7. The consent of the persons in whom the land is vested and of all persons having any interest therein or encumbrance thereon to the setting-apart of the land as a burial-ground shall be given in writing signed by them and attested and delivered to the Minister. Such consent may be in the form numbered 1 in the Schedule hereto.

8. The notice declaring the land to be dedicated and open as a burial-ground shall, when signed by not less than twenty-five of the adult members of a religious denomination, be submitted to the Minister in duplicate. Such notice shall describe the land in the terms approved by the Minister, and may be in the form numbered 2 in the Schedule hereto.

9. After the signatures to the notice have been obtained they shall be verified by a statutory declaration annexed or exhibited to one copy of the notice, setting out also that the signatories are adult members of the religious denomination concerned. Such declaration may be in the form numbered 3 in the Schedule hereto.

10. If after due inquiry the Minister decides to sanction the notice, one copy thereof bearing the Minister's sanction appended thereto will be delivered to the applicants, to be published as prescribed by the said section 59.

11. For the better preservation of a record of the dedication the applicants are permitted to select the *New Zealand Gazette* as the medium of publication on payment of regular advertising charges according to the length of the document.

12. A copy of every publication other than the *Gazette* in which the said notice is published shall be delivered to the Minister.

PART II.—PRIVATE BURIAL-GROUNDS.

13. Prior to the presentation of a petition for the setting-apart of land as a private burial-ground under section 2 of the Cemeteries Amendment Act, 1912, the applicant may submit to the Minister particulars of the land proposed so to be set apart, and clauses 3 and 4 of these regulations shall apply to the particulars so submitted.

14. A petition for the setting-apart of land as a private burial-ground may be in the form numbered 4 in the Schedule hereto.

15. Together with the petition, there shall be delivered to the Minister—(a) a statutory declaration verifying the statements set out in the petition or a statutory declaration to the effect set out in clause 5, (b) the evidence (if necessary) specified by clause 6, and (c) the consent referred to in clause 7 of these regulations, with the necessary modifications thereof respectively.

16. The petition shall propose for the private burial-ground a name, which shall not be the name by which any existing cemetery or burial-ground is known.

17. The consent in writing of the three or more persons proposed as the first trustees of the private burial-ground shall be delivered to the Minister.

18. Unless the land possesses a frontage to a public road it must be shown that a right-of-way appurtenant thereto has been provided for between the land and a public road.

SCHEDULE.

[Form No. 1.

In the matter of the Cemeteries Act, 1908.

BE it remembered that A. B., of, &c. [Full name, address, and description], being registered as the proprietor of an estate of freehold in fee-simple free from encumbrances (or as the case may be) in the land described in the Schedule hereto, and being lawfully empowered in that behalf by virtue of [absolute and beneficial ownership, or the terms of a certain deed of trust dated, &c., or the provisions of section 13 of the Religious, Charitable, and Educational Trusts Act, 1908, or as the case may be] doth hereby consent to a notice under section 59 of the above-entitled Act declaring the said land to be dedicated and open as a burial-ground to be used only for the burial of members of the religious denomination known as

Dated this day of, 19..

[Signature.]

Signed by the said A. B., in the presence of [Signature, address, and description of witness].

[Form No. 2.

In the matter of the Cemeteries Act, 1908.

NOTICE is hereby given by the undersigned persons, being not less than twenty-five adult members of the religious denomination known as, acting under section 59 of the above-entitled Act, and with the sanction of the Minister of Health, that the land described in the Schedule hereto is dedicated and open as a burial-ground to be used only for the burial of the members of the said denomination.

Dated this day of, 19..

SCHEDULE.

[Description of land.]

[Signatures.]

[Form No. 3.

In the matter of the Cemeteries Act, 1908.

I, C. D., of, &c. [Insert place of abode and occupation] do solemnly and sincerely declare as follows:—

1. The paper writing hereto annexed and marked "A" is a notice under section 59 of the above-entitled Act.
2. Each of the persons numbering twenty-five and upwards by whom the said notice is signed is personally known to me and is an adult member of the religious denomination known as
3. The signatures to the said notice are in the respective proper handwriting of the persons aforesaid.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the Justices of the Peace Act, 1927.

[Signature.]

Declared at, the day of, 19.., before me—

[Signature.]

Justice of the Peace (or Solicitor, or Notary Public, &c.).
(Stamp duty must be paid on this declaration.)

[Form No. 4.]

In the matter of the Cemeteries Amendment Act, 1912.

To His Excellency the Governor-General.

THE petition of [*Full name(s), address(es), and description(s)*] showeth as follows :—

1. Your petitioner(s) (is) (are) desirous that the land described in the Schedule hereto be set apart in perpetuity as a private burial-ground.
2. The circumstances moving your petitioner(s) (is) (are) the following : [*Here set out reasons.*]
3. The estates, interests, and encumbrances in and affecting the said land and the persons in whom such estates, interests, and encumbrances are vested are as follows, and no person has any estate or interest in or encumbrance affecting the said land (whether registered or unregistered) except as is herein set out : [*Here set out particulars.*]
4. It is proposed that the persons (*or class of persons*) who may hereafter be buried in the said land be [*Here name or define them.*]
5. It is proposed that the burial-ground be called and known by the name of (The X Family Burial-ground), (*or* The [*Place-name*] Private Burial-ground), (*or as the case may be*).
6. It is proposed that the first trustees to be appointed to have the maintenance and care of the burial-ground and to have vested in them the legal estate in the burial-ground be [*Full names, addresses, and descriptions*].

Wherefore your petitioner(s) (prays) (pray) that Your Excellency will be pleased to declare the said land to be a private burial-ground, subject to the provisions of the above-entitled Act, to be called and known by the name aforesaid and to be set apart in perpetuity as a private burial-ground for the persons (*or class of persons*) aforesaid.

SCHEDULE.

[*Particulars of land, including description by metes and bounds.*]

Dated this day of, 19..

[*Signature(s)*.]

As witness the hand of His Excellency the Governor-General,
this 29th day of May, 1940.

H. T. ARMSTRONG,
Minister of Health.

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette* : 6th day of June, 1940.

These regulations are administered in the Department of Health.

(H.C. 40/4.)