

Burial Grounds, 1914.

BURIAL GROUNDS ORDINANCE, 1914.

1914. No. 7.

Preamble.

Whereas it is desirable that provision shall be made for the management of Burial Grounds: Be it therefore ordained by the Synod of the Diocese of Grafton as follows:—

Interpretation.

1. In the construction of this Ordinance "Burial Ground" means any Burial Ground or portion of a Cemetery dedicated by the State for Church of England purposes within the Diocese. "Corporate Trustees" means "The Corporate Trustees of the Diocese of Grafton." "Gazetted" means "published in the New South Wales State Government Gazette."

Religious Service.

2. No religious service shall be performed in any burial ground except in accordance with the rites and usages of the Church of England or such as may be assented to or approved by the Bishop.

How Vested.

3. All Burial Grounds dedicated after the passing of this Ordinance shall be vested in the Corporate Trustees and every Burial Ground now vested in local Trustees shall upon the death resignation or removal of such Trustees be vested in the Corporate Trustees.

Trustees May Appoint Agents.

4. The Corporate Trustees may appoint Agents subject to their control to manage Burial Grounds vested in them.

Regulations to be Gazetted.

5. The Corporate Trustees shall cause to be gazetted for every Burial Ground vested in them the code of regulations contained in the Schedule hereto annexed.

Table of Fees Drawn Up.

6. The Corporate Trustees shall cause a Table of Fees to be drawn up for each Burial Ground vested in them which Table after approval by the Bishop shall be incorporated in the Code of Regulations to be gazetted; such Table of Fees may be amended by the Corporate Trustees from time to time and in every such case the Regulations and Table of Fees shall be gazetted.

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Account.

7. The Trustees of every Burial Ground shall keep proper accounts of all moneys received and disbursed by them in connection with the said Burial Ground and shall lay before the annual vestry meeting of parishioners of the parish in which the Burial Ground is situate a duly audited account of all such receipts and expenditure. Provided that in all cases where a Burial Ground is vested in the Corporate Trustees such Trustees may keep and present the said accounts by their duly appointed agents.

8. This Ordinance may be cited as "The Burial Grounds Ordinance, 1914."

SCHEDULE.**Code of Regulations.**

We the Trustees of the Church of England Burial Ground at [or of the Church of England portion of the General Cemetery at]

under our powers in virtue of our being charged with the care and management of the said Burial Ground do hereby make the following Regulations for the management thereof:—

1. This Burial Ground shall be for the purpose of burying the dead of the Church of England.

2. The Trustees may appoint agents to manage the said Burial Ground, subject to the control of the said Trustees.

3. The Trustees by their Agents shall keep proper accounts of all moneys received and all moneys disbursed in connection with the Burial Ground and if so required shall furnish the vouchers for all moneys expended and a copy of their accounts for any year to the Minister for Lands.

4. All moneys received in connection with the Burial Ground shall be paid into some bank to the credit of an account in the name of the "Trustees of the

Church of England Burial Ground" and cheques drawn upon the account shall be signed by at least two of the persons appointed to operate upon the same.

5. All moneys received in connection with the Burial Ground shall be applied by the Trustees—Firstly in payment of salaries wages and current expenses; secondly in constructing and keeping in repair fences drains buildings and other permanent works; thirdly in beautifying and adorning the Burial Ground.

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6. The Trustees may appoint a Secretary and by their agents appoint a Sexton and such other officers and servants as may be necessary and may fix the respective amounts of salary or wages to be paid to them.

7. The Trustees may appoint an officer in charge, who shall receive moneys and regulate manage and decide all matters of detail arising in connection with the Burial Ground. The officer in charge may be one of the Trustees or the Secretary or such officer or person as the Trustees may appoint.

8. The Trustees shall as soon as possible after their appointment and afterwards as occasion may from time to time require cause proper provision to be made for fencing laying out and draining so much of the Burial Ground as may then be required for use.

9. The Trustees may erect gateways houses offices and other necessary buildings; make roads avenues and walks; plant trees and shrubs; and do and perform any other matter or thing which may be required for the proper and efficient management and adornment of the Burial Ground.

10. The Trustees shall divide the Burial Ground into sections and shall allot portions within those sections and shall cause a plan to be made showing the sections and portions of the Burial Ground and shall sign and certify the plan when made. The plan or copy thereof shall be kept for reference in the office of the officer in charge.

11. The Trustees shall cause a Register to be kept in which shall be entered the name and condition of every person whose body is interred in the Burial Ground and the section portion and number of the grave in which the interment has been made and the date of the interment. The entries shall be made immediately after each interment.

12. The fees and charges specified in the Schedule hereto annexed shall be payable in advance to the Trustees but the Trustees may in any case of poverty if they see fit remit wholly or in part the fees and charges payable upon an interment.

13. The Trustees shall upon payment of the appropriate charge issue certificates on the prescribed form securing the exclusive right of burial in one or more specified portions of the Burial Ground but the Trustees may and shall refuse to sell a certificate for more than one portion to any person if they are satisfied that an attempt is being made to create a monopoly or to deal in those certificates in the way of business and that the person applying to purchase is privy to such attempt.

14. A certificate may be transferred by an endorsement in writing upon the certificate or may be disposed of by will: Provided always that no such transfer or disposition as aforesaid shall bind the Trustees unless notice thereof is given to the

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Trustees within a reasonable time thereafter and the certificate and any necessary evidence of the claimant's title produced for the inspection of the Trustees.

15. Within three months from the issue of any such certificate as aforesaid the holder of the certificate shall enclose the specified portion with a stone or other kerbing or railing approved by the Trustees and cut thereon the number of the allotment as numbered on the Trustees' plan of the Burial Ground.

16. No interment shall take place in any portion in respect of which a certificate of exclusive right of burial has been issued unless the consent in writing of the then holder of the certificate and the certificate itself are produced to the officer in charge.

17. Every monument tomb tablet grave-stone vault kerbing railing or other erection to be placed in the Burial Ground shall be of a material design and workmanship approved by the Secretary and plans or particulars thereof shall be submitted to the Secretary before the work is proceeded with.

18. A copy of any proposed inscription shall be submitted to the Secretary for his approval and shall be approved by him before the work is proceeded with.

19. The Trustees may order the removal or alteration of any monument tomb tablet grave-stone vault railing or other erection or the erasure of any inscription which has been erected or placed in the Burial Ground in contravention of the foregoing Regulations.

20. No trees or plants shall be planted in the Burial Ground unless the same be of a species approved by the Trustees.

21. Masons and other workmen shall clear away all refuse and rubbish caused by them and shall repair and make good all damage wrought by them or their servants to the satisfaction of the officer in charge. Before commencing any work in the Burial Ground every mason or workman shall deposit with the officer in charge the sum of ten shillings which shall be forfeited if this Regulation is not complied with.

22. The Trustees or their officer in charge of the Cemetery shall not issue an order for interment therein until shown the certificate required by section 30 of the Act No. 17 of 1899 to be issued by the District Registrar of Births Deaths and Marriages or by the Coroner or the Magistrate who held the inquest or inquiry on the body or by a Medical Officer in compliance with the Children's Protection Act No. 47 1902 as the case may be.

23. Before an order for interment is issued particulars of the length and breadth of the coffin shall be delivered to the officer in charge and all fees and charges paid to him.

24. The undertaker or other person taking out the order for

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interment shall forward the same to the sexton at least eight hours before the time fixed for the interment.

25. In the case of emergency corpses may be received and interred without an order for interment if a proper certificate of death and the receipt of the proper officer for all fees and charges are produced to the Sexton.

26. No person other than the person who has paid the fees and charges in respect of any grave or portion shall be permitted to interfere in any way with that grave or portion without the written authority of the officer in charge.

27. Any recognised Minister of the Church of England shall at all times have free access and admission to the Burial Ground and shall freely exercise his spiritual functions therein in connection with the burial of the dead without any hindrance or disturbance: Provided however that no such Minister shall be entitled to receive any fee in respect of any services he may so perform unless with the sanction of the Trustees.

28. Every order and authority issued by the Officer in charge shall be delivered to the Sexton at the Burial Ground before any work is begun or material delivered.

29. All work in connection with any monument or grave shall be carried on under the direction and supervision of the officer in charge or in his absence of the Sexton and shall be carried to completion without unnecessary delay.

30. Not more than two adults shall be interred in any one grave and in no grave shall the upper surface of the coffin be at a less depth than 4 feet from the natural surface of the soil.

31. No monument shall be placed upon or kerbing enclose a grave for which a certificate has not been issued in accordance with Regulation 13.

32. The area of portion for a grave shall be 4 x 9 feet except in cases where the ground has been laid out prior to the date of these Regulations the area may be the same as already provided in the existing design.

33. No person shall be entitled to have a portion re-opened for the purpose of a second interment therein unless a certificate of exclusive right of burial has been issued in respect of that portion within two months after the first interment.

34. The Trustees when in their opinion any tomb monument or other erection is or is likely to become dangerous shall where practicable give notice in writing to the owner or person responsible to repair. If within a reasonable time such repair is not effected the Trustees may take down and remove such tomb monument or other erection and sell or otherwise dispose of the materials of which the same was composed. The Trustees shall not be required to account for the proceeds of such sale or for such disposal of the materials.

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35. No heavy materials shall be drawn over the roads or paths of the Burial Ground whilst they are wet without the sanction of the officer-in-charge.

36. No person shall inter any corpse in the Burial Ground except in accordance with these Regulations and any person interring a corpse in violation of these Regulations or procuring the same to be interred shall be liable to a penalty not exceeding twenty pounds.

37. No person shall ride or drive any animal or vehicle over the roads or paths of the Burial Ground without the sanction of the officer-in-charge.

38. No person shall—

- (a) Sell or buy within the Burial Ground any article or thing.
- (b) Distribute any hand-bill card circular or other advertisement within the Burial Ground.
- (c) Put any animal or animals in the Burial Ground for the purpose of grazing therein except with the consent in writing of the Trustees.
- (d) Take part in any meeting other than of a religious or commemorative character within the Burial Ground.
- (e) Discharge any firearm except at a military funeral.
- (f) Wantonly damage or disturb any tombstone monument, kerbing railing flowers or other tokens placed upon any grave.
- (g) Commit any riot breach of the peace or nuisance or otherwise offend against decency or decorum within the Burial Ground.

39. Any person committing any act which is a breach of the last-preceding regulation shall be liable to a penalty not exceeding twenty pounds.

40. Any person committing or omitting any act in violation of these Regulations for which no other penalty is thereby expressly provided, shall be liable to a penalty not exceeding ten pounds.

41. It shall be the duty of the officer-in-charge to prosecute offenders against these Regulations; and no prosecution under these Regulations shall prejudice any other proceedings whether civil or criminal which may be taken against the offender.

42. The Trustees or their officer-in-charge shall in the months of April July October and January in each year transmit to the local District Registrar a return giving a list of all burials during the previous quarter with the name and late address of the deceased date of burial and name of undertaker in each case.

[Here shall be inserted the Table of Fees drawn up in accordance with Section 6 of this Ordinance.]

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Form of Certificate.

On the application of _____ and upon payment of the sum of _____ which is hereby acknowledged to have been received the Trustees of _____ have agreed to grant and do hereby grant unto the said _____ permission to dig or make a grave or vault on that piece of ground _____ feet long by _____ feet broad lying within the portion of the said cemetery and described in annexed Schedule with permission to erect or place on the said piece of ground a monument tombstone footstone or railings. And it is hereby declared that the said _____ shall be entitled to have maintain and keep up such vault grave monument tombstone footstone or railing according to the terms of this permission to and for the sole and separate use of the said _____ and his heirs and near relations for ever. Provided always and it is hereby declared that this grant is made subject to the terms and conditions following, viz. :—

1. That the said piece of ground shall be kept by and used by the said _____ his heirs and near relations solely as a burying place and that no other use shall be made thereof.
2. That no footstone railing monument or tombstone shall be erected or placed on the said piece of ground which the Secretary shall deem to be improper and unnecessary to be erected on the same.
3. That the said grave or vault and the said monument tombstone or railing shall be maintained and kept by the said _____ and his heirs and near relations in proper repair to the satisfaction of the said Trustees.
4. That the said _____ his heirs and near relations shall in the use of the said piece of ground and access thereto be subject in every respect to such rules and regulations as may from time to time be gazetted and shall not be entitled to bury therein except on payment of such charges as shall from time to time be gazetted.

Dated this _____ day of _____ 19 _____

Trustees.

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Transfer (to be Indorsed).

I the within named _____ do hereby transfer to _____ of _____ all my right title and interest in and under the within certificate.

Dated this _____ day of _____ 19 _____

*Permission for the exhumation of any corpse must be obtained from the Minister for Lands.

I assent to the above Ordinance

22nd June, 1914.

CECIL H. GRAFTON.