

**CEMETERY ACT****Principal Act**

<b>Act. No. 1889-41</b>	<i>Commencement</i>	18.3.1889
	<i>Assent</i>	23.2.1989

Amending enactments	Relevant current provisions	Commencement Date
Acts. 1912-01	s.6	
1928-04	ss.2, 3(3), 4, 5(4) and 6	
1948-20	s.3(4)	
1949-25	–	
1950-09	s.10	
Order of 16.9.1969	s.5(4)	
Acts. 1971-18	s.5(4)	
1983-12	ss. 1A, 2 and 11	
2007-17	ss. 1A, 2, 3(1), 3(2), 5(3), 5(4), 11(1)	14.6.2007

## English sources

None

**ARRANGEMENT OF SECTIONS.**

## Section

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AN ACT RELATING TO THE MANAGEMENT AND CONTROL OF  
THE CEMETERY AT THE NORTH FRONT.

**Short title.**

1. This Act may be cited as the Cemetery Act.

**Interpretation.**

1A. In this Act, unless the context otherwise requires—

“Board” means the Board of Visitors appointed under section 3;

“cemetery” means the cemetery at North Front;

“Keeper” means the Keeper of the cemetery appointed under section 2;

“Minister” means the Minister responsible for the environment;” and

“Superintendent” means the Superintendent of the cemetery appointed under section 2.

**Appointment of Superintendent and Keeper.**

2. The Minister shall appoint a fit and proper person to be the Superintendent of the cemetery, who shall have the custody and charge of and shall superintend and manage the cemetery, and a Keeper of the cemetery, who shall be subject to the directions of the Superintendent.

**Board of Visitors.**

3.(1) The Minister shall appoint a Board of Visitors of the cemetery consisting of not less than nine persons of whom three shall be a quorum and the Minister may from time to time remove such persons or any of them and appoint others in their place.

(2) The Minister shall nominate from amongst the members of the Board such person as he may think fit to be chairman.

(3) Every question shall be decided by a majority of those present and voting on that question and in case of an equal division of votes the chairman shall have a second or casting vote.

(4) Subject to the provisions of this Act the Board may make rules regulating its procedure.

**Duties of Board.**

4. The members of the Board shall from time to time visit and inspect the cemetery and bring to the notice of the Superintendent any matter which may in their opinion affect the management and control of the cemetery, the maintenance of good order therein and the condition and appearance thereof.

**Meetings of Board.**

5.(1) The Board shall hold a meeting once in each half year, and, in addition to such biannual meetings, special meetings of the Board may be held at any other time upon the request in writing of at least three members of the Board or of the Superintendent, or when the chairman may think fit.

(2) The Superintendent shall have notice of all such meetings and shall have the right to be present thereat.

(3) The Board shall advise the Superintendent on any question submitted to them by him which may affect the control and management of the cemetery and the Superintendent shall not act contrary to the advice of the Board thereon without reference to the Minister.

(4) As soon as practicable after each meeting, the minutes of such meeting shall be transmitted to the Minister.

**Powers of Superintendent for maintaining good order and appearance of the cemetery.**

6.(1) The Superintendent may for the purpose of maintaining the good order and appearance of the cemetery exercise the following powers:—

- (a) to remove stones, bricks and other material of monuments and memorials of the dead, which have fallen from their places;
- (b) to remove rails which surround or form part of monuments and memorials of the dead, which are in a ruinous condition;
- (c) to arrange the materials of monuments and memorials of the dead, which have become ruinous or dilapidated so as to render them less unsightly in appearance.

(2) Any expenses incurred by the Superintendent in the exercise of the above powers shall be regarded as expenses of the maintenance and upkeep of the cemetery, and shall be defrayed out of the Consolidated Fund.

**Registration of burials.**

7. All burials within the cemetery shall be registered in a register book to be provided and kept for such purpose, and such register book shall be kept by the Keeper of the cemetery in such form and with such particulars as shall be prescribed, and such register book, or copies or extracts thereof, or purporting to be copies or extracts thereof, under the hand of the Keeper of the cemetery, shall be received in all courts as evidence of the burials entered therein.

**Saving of existing rights.**

8. Nothing contained in this Act shall be deemed or construed to extinguish, take away or prejudicially affect any existing rights of sepulture in the cemetery.

**Persons making disturbance.**

9. A person who upon the occasion of any interment or other ceremony in the cemetery, makes any noise or disturbance, or is guilty of any disorderly conduct therein or in the immediate neighbourhood thereof is guilty of an offence and is liable on summary conviction to a fine of £5.

**Power of court to order removal, etc.**

10. Upon summary conviction for an infringement of any rule concerning the construction, repair, removal or alteration of any grave, vault, headstone or monument, the court shall, upon the application of the Superintendent, order any person so convicted, at his own expense and within one month of such order, to remove or alter, so as to comply with the requirements of the Superintendent, any such grave, vault, headstone or monument and to put the site thereof in good condition to the satisfaction of the Superintendent. Upon failure of any person to comply with any such order, the Superintendent may cause the necessary work to be carried out and recover from such person the expenses thereof as a civil debt.

**Rules.**

11. (1) The Minister may make rules—

- (a) regulating the use, control, government and upkeep of the cemetery;
- (b) prescribing and regulating the right to erect monuments, gravestones, tablets and monumental inscriptions in the cemetery;
- (c) prescribing the fees to be paid and other payments to be made in respect of vaults, graves and burials in the cemetery; and

(d) generally for the better carrying out of the provisions of this Act.

(2) A table showing the fees and other payments prescribed shall be affixed and kept on some conspicuous part of the cemetery.