

DIOCESAN BURIAL GROUNDS STATUTE 1999

BE IT ENACTED by the Bishops, Clergy and Laity of the Diocese of Auckland in Synod assembled:

1. The short title of this statute shall be "**DIOCESAN BURIAL GROUNDS STATUTE 1999**".

Interpretation

2. In this statute, unless the context otherwise requires, the following meanings will apply:
"Act" shall be deemed a reference to an Act of the General Assembly of New Zealand intituled "The Burial and Cremation Act, 1964"
"Bishop" shall be deemed to include the Vicar-General
"board" shall mean a board of managers as constituted under this statute
"burial ground" as defined in the Act; it shall include all Anglican consecrated burial grounds within the Diocese other than Purewa Cemetery (as administered under the provisions of the Purewa Cemetery Statute 2000).
3. Subject to the general superintendence of the archdeacon and the consent of the General Trust Board of the Diocese of Auckland, or such registered owners of the freehold, each burial ground shall be under the control of a board, which, in the absence of any resolution of the Diocesan Council to the contrary, shall be the vestry ex officio and the members of each such board shall be deemed to be the statutory managers referred to in section 32 of the Act, and each such board shall administer the burial ground under its control in accordance with:
 - a. the regulations set forth in the schedule hereto and forming part of this statute, or
 - b. regulations approved by the Diocesan Council prior to the enactment of this statute, or
 - c. special regulations to be hereafter approved by the Diocesan Council, or
 - d. the provisions of the Act specified in Part 1 of the First Schedule of the Act, but so far only as such provisions are applicable.
4. In the case of burial grounds established for the benefit of two or more ministry units, or of burial grounds situated in a defined sub-district of any ministry unit, the Diocesan Council may, on the recommendation of the archdeacon and with consent of the General Trust Board of the Diocese of Auckland, or such other registered owners of the freehold as aforesaid, constitute a board for the management of any such burial ground, comprising:
 - a. the vicar and any church committee ex officio;
 - b. the vicar and the church committee and churchwardens ex officio, or
 - c. the vicar and any two or more persons nominated from time to time by the archdeacon.

Repeal

5. The Diocesan Burial Grounds Statute, 1968 is hereby repealed; provided, however, that acts done and approvals given and in force at the time of the repeal of the said statute hereby repealed shall continue in effect as if the same had been made, done or approved under the provisions of this statute.

SCHEDULE OF REGULATIONS

1.
 - a. The board shall meet at least once in each year, on written notice convening such meetings issued by the vicar or the archdeacon or a person appointed by the Bishop.
 - b. The vicar, or in the vicar's absence, the archdeacon or a person appointed by the Bishop, shall be chairperson, and such chairperson shall have an ordinary vote and also a casting vote.
 - c. The board shall appoint its own secretary and/or treasurer and such other officers as it may require.
 - d. The board shall under its designated name keep and operate bank accounts and, by resolution, it may from time to time authorise any two of its members to operate such accounts on its behalf.
 - e. Minute books and books of record shall be duly kept, and accounts shall be made up annually to the 31st December in each year, complying with the requirements of the consolidated accounting procedures.
 - f. Where a certificate has first been obtained from Diocesan Council exempting the board from the requirements of the consolidated accounting procedures, the board will appoint an auditor approved by the archdeacon or a person appointed by the Bishop, to audit its annual financial accounts.
 - g. A copy of the board's annual financial accounts, bearing the signature of the archdeacon or a person appointed by the Bishop, (and the auditor, where paragraph 1f applies) shall be forwarded to the Diocesan Secretary not later than the 31st March in each year.
 - h. Where paragraph 1f applies, the Diocesan Council may, at any time by request made to the vicar or a person appointed by the Bishop, call for audited accounts of all monies received and expended by the Board since the date of its previous audited account.
2. No corpse shall be interred in a burial ground without the burial service of the church read by the vicar of the ministry unit, or by some person authorised by the vicar, and no other service shall be performed at any such interment, except by the consent of the Bishop.
3. A sum to be fixed by the board shall be paid as sexton's fees. An additional sum to be fixed by the board shall be paid for any interment taking place on a Sunday or public holiday.
4. Every burial plot for adults shall be eight feet by four feet. In every burial the top of the coffin shall be not less than four feet from the natural level of the surrounding soil, unless local by-laws permit other measurements.
5. A person may purchase the exclusive right of burial on any grave site or grave sites (not exceeding six), or to any area of ground on any burial ground plan for the purpose of erecting a family vault or memorials thereon. The charge therefore shall be such rate per square metre as the board shall from time to time require. At the discretion of the board, an extra charge may be made in the case of persons desiring to purchase who are not resident within the ministry unit or desire to purchase for the burial of the corpse of any person (or for a family vault or memorial in respect of any person) who at the time of death was not resident within the ministry unit. The purchaser shall receive a document in the following form signed by the chairperson or secretary of the Board:

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Certificate of purchase of burial plot RECEIVED fromof
..... the sum of \$..... for that piece of ground, part of the Anglican burial
ground at numbered on the map of the said ground within the
control of the cemetery board of, the above piece of ground to be held by the
said and his or her successors in the right of ownership subject to the rules
for the time being in force for the management of the burial ground and the provisions of
the Diocesan Burial Grounds Statute 1999.

(NB: Additional or special receipts will be issued for burial fees, annual maintenance or permanent care of graves and for the interment of ashes)

6. Application for burial or for purchase may be made to the vicar or to the secretary or any sexton of the board.
7. The board may set apart an area within the burial ground under its control for the interment of ashes, and may prescribe fees for such interments. No such interment of ashes shall take place without the knowledge and approval of the vicar or the secretary of the board, one of whom shall record the interment in a special register.
8. The monies arising from payments for burial plots and interments, as so prescribed from time to time shall be appropriated towards the cost of enclosing, draining, planting and maintaining the burial ground, provided that not less than one-third of all such payments so received shall be paid into and held as a separate fund, the income of which shall be applied to the general upkeep and maintenance of the burial ground.
9. The recorded purchasers of all burial plots, vaults and graves within the burial ground shall observe such rules or directions as may be made or given by the board from time to time with regard to the erection of monuments and memorials, and the enclosure and fencing and decent and proper keeping of such plots, vaults, graves, monuments and memorials; provided that the board may set apart an area or areas of the burial ground and require that therein the only record or memorial shall take the form of a surface level plaque.
10. The board may at its discretion remove from any plots within the burial ground any memorial, enclosure or fencing which may be in a state of dilapidation, after due notice of such intended removal has been given, if possible, to the recorded purchasers of such plots or to any known successors or relations.
11. Any tree, shrub or plant injuring or likely to injure any memorial, may be pruned, or, if necessary, removed by order of the board after notice has been given, if possible, to any persons whom the board deems may be interested.
12. The positions of the sites of graves and vaults or other interment plots, and the general arrangement and laying out of the burial ground shall be determined by the board, subject only to the approval of the archdeacon.
13. A plan of the burial ground shall be kept on which the sites of the several graves and vaults and other interment plots shall be shown and numbered, and a register of ownership and interment shall also be kept.
14. No monument, gravestone, ground level plaque, railing or erection of any kind shall be placed in the burial ground without the specific consent in writing of the vicar (or of the archdeacon if the cure be vacant or the vicar absent) and no inscription on any wall, monument, gravestone, ground level plaque, railing or erection shall be made without the like consent of the vicar (or archdeacon if the cure be vacant or the vicar absent); provided, however, that the archdeacon shall have the power of ordering the removal of any such inscription, or any obstruction, subject to an appeal to the Bishop as hereinafter provided.
15. In the case of the board objecting to any inscription or to any erection or obstruction, an appeal may be made to the Bishop, whose decision shall be final.
16. In the case of any dispute arising between the vicar and the other members of the board, an appeal may be made to the archdeacon, whose decision shall be final; and in case of any dispute arising between the archdeacon on the one part and the board on the other part, an appeal may be made to the Bishop, whose decision shall be final.

17. Except as directed by a coroner, or other public officer having legal authority in that behalf, no corpse shall be disinterred without the consent of the Bishop, or, in the absence of the Bishop, of the archdeacon.
18. These regulations shall be applicable, as far as possible, to interments which have already been made in a burial ground.
19. In these regulations the term "ministry unit" shall be read to include a parish, parochial district and also a mission district, and the word "vicar" shall be read to include a "priest in charge".