



Burial and Cremation Amendment Act 2000

Public Act 2000 No 55
Date of assent 14 November 2000
Commencement see section 2

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The Parliament of New Zealand enacts as follows:

1 Title

- (1) This Act is the Burial and Cremation Amendment Act 2000.
- (2) In this Act, the Burial and Cremation Act 1964 is called “the principal Act”.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

3 New sections 45A to 45D inserted

The principal Act is amended by inserting, after section 45, the following sections:

“45A Minister may reopen closed cemeteries and burial grounds

- “(1) The Minister may, by notice in the *Gazette*, reopen a closed cemetery or burial ground if satisfied that—
 - “(a) the cemetery or burial ground should be reopened; and

- “(b) the local authority has consulted the appropriate persons or organisations; and
 - “(c) the reopening complies with the Resource Management Act 1991.
- “(2) The reopening order must specify—
- “(a) the cemetery or burial ground to be reopened; and
 - “(b) the date that the cemetery or burial ground may reopen, not being more than 6 months from the date of publication of the order; and
 - “(c) any exceptions or qualifications that the Minister has imposed on the reopened cemetery or burial ground; and
 - “(d) the individual, body corporate, or local authority who has or will have control and management of the reopened cemetery or burial ground.
- “(3) The Minister may, by notice in the *Gazette*, revoke any notice authorising the removal of monuments and tablets issued under section 45 that applies to the cemetery or burial ground that the Minister reopens under subsection (1).

“45B Control and management of reopened cemeteries and burial grounds

The Minister may, by any reopening order or by any later notice in the *Gazette*,—

- “(a) vest the control and management of a reopened cemetery in any individual, body corporate, or local authority from the date specified in such order or later notice;
- “(b) vest the control and management of a reopened burial ground in any individual or body corporate from the date specified in such order or later notice.

“45C Vesting of title in reopened cemeteries and burial grounds

- “(1) A notice in the *Gazette* vesting in any individual, body corporate, or local authority the control or management of a reopened cemetery has the effect of vesting the land comprising the reopened cemetery in that individual, body corporate, or local authority unless the notice provides otherwise.
- “(2) A notice in the *Gazette* vesting in any individual or body corporate the control or management of a reopened burial

ground has the effect of vesting the land comprising the reopened burial ground in that individual or body corporate unless the notice provides otherwise.

“(3) On the production of a copy of a vesting notice, the District Land Registrar must register the notice under the Land Transfer Act 1952 and, if the case so requires, must issue a certificate of title under that Act in the name of the individual, body corporate, or local authority for the land so vested.

“45D Crematoria situated within reopened cemeteries or burial grounds

“(1) In any case where a closed crematorium is situated within the boundaries of a cemetery or burial ground that is to be reopened, the Minister, if satisfied that the appropriate consent has been obtained under the Resource Management Act 1991, may specify, in the reopening order or in any later notice in the *Gazette*, whether or not the closed crematorium is to be reopened.

“(2) The Minister may make such other provision as the Minister thinks fit for the future control, management, and use of the reopened crematorium.”

Legislative history

9 November 2000

Divided from the Statutes Amendment Bill (No 7) as reported from the Justice and Electoral Committee (Bill 334–A2), third reading

14 November 2000

Royal assent

This Act is administered in the Ministry of Health.
