



## Diocese of Nelson

### Regulations for the Control and Management of Burial Grounds

(approved Diocesan Trust Board 23<sup>rd</sup> Dec 1960).

1. The Nelson Diocesan Trust Board shall be the managers within the meaning of the Cemeteries Act of all Church of England burial grounds, provided that they may delegate to the Minister and Churchwardens of any parish or district with respect to such burial ground situated in such parish or district their powers, or any of them, provided by the Cemeteries Act or by these regulations other than the retention, disposal or investment of moneys held in respect of any burial ground, and the powers set out in Clause 19 hereof.
2. The managers shall lay out in blocks any burial ground vested in them or such portion as they may deem expedient or any land acquired for adding to any burial ground and shall, as occasion requires, divide each block into burial plots measuring not more than 9 feet by 4 feet and (except as hereinafter provided) not less than 8 feet by 4 feet. Provided however, that the 'manager' may set aside a portion of any burial ground for the burial of the ashes of deceased persons and may divide such portions into plots of such size as they shall think fit.
3. The managers may sell either in perpetuity or for any limited period the exclusive right of burial in any plot or plots. Upon the sale of any plot there shall be issued to the purchaser a certificate in the form set out in the schedule hereto or to the like effect.
4. The fee payable for each plot so sold shall be the sum of \$20\* to be paid on application for such exclusive right of burial. The managers shall not permit any person, or the ashes of any person, to be buried in any plot unless the exclusive right of burial shall have been purchased by such person or his relatives.
5. The burial service of the Church of England shall be used in connection with every burial in burial grounds, but not necessarily to the exclusion of any other burial service supplementary thereto.
6. Persons who die un-baptised or excommunicated or who have laid violent hands upon themselves shall be excluded from burial with the burial service, but the use of the service provided by the General Synod for such cases is permissible.
7. The body of no person other than members of the Church of England shall be buried in any burial ground without the consent of the managers.
8. All parishioners of the parish or district and all persons being members of the Church of England dying within any parish or district, and all such persons who were at any time parishioners of the parish or district wherein any burial ground is situate shall have the right of burial in such burial ground,

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9. It shall be the duty of the minister officiating in the parish or district wherein there is a burial ground to perform the burial service according to the rite of the Church of England over the body of any person entitled by these regulations to Christian burial therein.
10. Any person desiring to erect any enclosure around any grave or any monument or tombstone in any burial ground shall first obtain the written permission of the managers, who may, if they see fit, require a plan of any proposed monument or tombstone and a statement of the proposed inscription thereon. If any monument or tombstone is erected or any inscription recorded thereon without such permission or not according to the conditions upon which the same is permitted the managers may take down and remove the same. If permission is refused or is granted subject to any certain condition or conditions there shall be the right of appeal to the Bishop of the Diocese, whose decision shall be final.
11. No land occupied or enclosed under these regulations shall be used for any other purpose or in any manner otherwise than for the burial of the dead.
12. No person shall be allowed to plant in any portion at the burial ground, whether acquired or not, except by express permission in writing from the managers, any tree or shrub. Any tree or shrub planted within the burial ground may at any time be trimmed, cut down, or removed, by order of the managers.
13. (a) All fences, and all headstones, and other monuments must be kept in proper repair by the relatives of the deceased or the surviving holders of licenses. Any fences or monuments left in a decayed state, or broken down, may be removed by the managers.  
(b) The managers will accept deposits of money or any real or personal property that may be vested in them as endowments for the purpose of the maintenance in perpetuity of any plot and may enter into contracts for the permanent upkeep of plots.
14. A sexton shall from time to time be appointed by the managers, whose duty it shall be to dig all graves required in the burial ground, and no other person shall be allowed to do so without express permission from the managers.
15. The Sexton's fees shall be paid in advance, and shall be fixed from time to time by the managers.
16. No burial shall take place except by the authority of the managers and no body shall be removed from its place of interment without the previous consent, in writing, of the Bishop of the Diocese, or his Commissary, and the managers.
17. The top of any coffin deposited in any part of the burial ground shall not be less than four feet six inches below the natural level of the soil.
18. All sums of money now held or hereafter received by the managers shall be devoted to any or all of the following purposes:

- (a) In keeping the respective burial grounds and the fences surrounding the same in good repair, order and condition.
  - (b) In improving and beautifying the same.
  - (c) The remuneration of the cemetery chaplain (if any).
  - (d) The erection or maintenance of the cemetery chapel.
  - (e) In purchasing land for a new burial ground or for adding to the size of any burial ground.
  - (f) Investing sums from time to time in investments which are lawful for the investment of trust funds until such time as they shall be required or partly required for any of the purposes hereinbefore set out.
  - (g) In printing, distributing, posting up and maintaining copies of these Regulations in the respective burial grounds, and any other expense of complying with these Regulations.
19. No trees shall be felled except with the consent of the managers, who shall not consent unless they are satisfied that it is necessary or desirable to do so for the purpose of improving or keeping any burial ground in good order and condition.
20. The managers shall be and are hereby appointed guardians of the portion of the Nelson Cemetery or any other public Cemetery set apart for the exclusive use of the Church of England, and shall have the control and management thereof pursuant to the provisions of Sections 39 and 40 of the Cemeteries Act, 1908, provided that such control and management shall be subject to the provisions of these regulations.
21. There shall be posted up on some conspicuous place in each burial ground, and retained and renewed from time to time as occasion shall require, a copy of these regulations.
22. All the above regulations shall be read and construed subject to the provisions of the several trusts of burial grounds, and shall apply only in so far as the same are consistent with such provisions

**Schedule**

It is hereby certified that A.B. having paid the sum of \$.....  
the managers of the ..... burial ground have sold the said A. B. the exclusive right of burial (in perpetuity) in lots .....

\* These fees were set in 1960 current fees are normally updated to equate with the local body rates being charged in the district.

Additional clause approved by the Nelson Diocesan Trust Board on the 24<sup>th</sup> July 1961.

23. After the expiration of ten years from the date of burial in any plot purchased under these regulations, one subsequent interment may be made in such plot.