

1990 - No. 78

CROWN LANDS CONSOLIDATION ACT 1913 - BY-LAW

(Relating to the management and maintenance
of the French's Forest General Cemetery)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Crown Lands Consolidation Act 1913, has been pleased to make the By-law set forth hereunder.
(MN85 R121)

G. B. PEACOCKE
for Minister for Natural Resources.

Amendments

The French's Forest General Cemetery By-law 1988 is amended:

- (a) by omitting from clause 16 (4) the word "shall" and by inserting instead the words "subject to clause 15 (5), is to";
- (b) by omitting from clause 28 (1) the words "The Trust" where firstly occurring and by inserting instead the words "Subject to subclause (3), the Trust";
- (c) by inserting in clause 28 (2) after the word "may" the words ", subject to subclause (3),";
- (d) by inserting after clause 28 (2) the following subclause:
 - (3) Before taking action under subclause (1) or (2), the Trust is to cause a notice of the action proposed to be taken by the Trust to be sent by post to the residential address last known to the Trust of:

- (a) the holder of a certificate of exclusive right of burial issued by the Trust with respect to the grave over which that structure is or is being erected; or
- (b) the legal personal representative of any such holder who is deceased,
 - requiring that holder or legal personal representative to rectify or complete the work, as the case may be, in accordance with the Trust's approval within the period specified in the notice.
- (e) by omitting from clause 30 (1) the words "grave certificate" and by inserting instead the words "certificate of exclusive right of burial";
- (f) by omitting from clause 30 (2) the words "The Trust" and by inserting instead the words "Subject to subclause (4), the Trust";
- (g) by inserting after clause 30 (3) the following subclause:
 - (4) Before taking action under subclause (2), the Trust is to cause a notice of the action proposed to be taken by the Trust to be sent by post to the residential address last known by the Trust of:
 - (a) the holder of a certificate of exclusive right of burial issued by the Trust with respect to the grave over which the vault, monument or other structure is erected or;
 - (b) the legal personal representative of any such holder who is deceased,
 - requiring that holder or legal personal representative to take such action in relation to the vault, monument or structure, as the case may be, as is specified by the Trust in the notice within the period specified in the notice.
- (h) by omitting clause 33 (3) (g) and by inserting instead the following paragraph:
 - (g) the Trust may remove and dispose of any buried remains in a vault repossessed or proposed for demolition or removal by the Trust in consequence of the termination of the rights of the grantee in the vault by the Trust in accordance with paragraph (f);
- (i) by inserting after clause 33 (5) the following subclause:
 - (6) The Trust is not to take possession of, demolish and remove a vault, and terminate the rights of any grantee in the

1990 - No. 78

vault or vault site, and grant those rights to any other person unless:

- (a) it serves a notice sent by post to the residential address last known to the Trust of the grantee requiring the grantee to take such action in relation to the vault as is specified by the Trust in the notice within the period specified in the notice; and
- (b) the grantee fails to comply with the notice.

(j) by omitting from clause 34 (1) the words "holder of the" and by inserting instead the words "holder of a certificate of".

EXPLANATORY NOTE

The object of this Regulation is to amend the French's Forest General Cemetery By-law 1988

- (a) to make it clear that the French's Forest General Cemetery Trust has a discretion, on certain grounds, to grant or to refuse to grant its consent to a transfer of a certificate of exclusive right of burial; and
- (b) to require the Trust to give notice of any proposal to remove, demolish or alter structures and vaults constructed, or in the course of construction, in the Cemetery, and
- (c) to correct references, by way of statute law revision, to holders of certificates of exclusive right of burial.
