

**ST. ANDREW'S CHURCH OF ENGLAND, MAYFIELD,  
CEMETERY ACT.**

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**Act No. 39, 1957.**

An Act to authorise the use of St. Andrew's Church of England Cemetery at Mayfield for purposes other than a cemetery; and for purposes connected therewith. [Assented to, 22nd November, 1957.]

Elizabeth II,  
No. 39, 1957.

**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

**1.** This Act may be cited as the "St. Andrew's Church of England, Mayfield, Cemetery Act, 1957". Short title.

**2.** (1) It shall be lawful for the Trustees of Church Property for the Diocese of Newcastle (hereinafter referred to as "the Trustees") or such persons as may be authorised by the Trustees to use the land described in the Schedule to this Act for the purposes of erecting and maintaining a hall, suitable monument and columbarium thereon and such other purposes of the Church of England as the Trustees may determine notwithstanding—

Use of  
cemetery  
for other  
purposes.

- (a) that the said land comprises a cemetery, and
- (b) any trusts, conditions, encumbrances or dedications affecting the said land immediately before the commencement of this Act.

(2)

No. 39, 1957.

(2) Before any use is made of the said land pursuant to subsection one of this section, the Trustees or the persons authorised as aforesaid shall—

- (a) compile a register of the names of and other relevant information in respect of persons buried in the said land, so far as such names and information can be obtained, and deposit and maintain such register at the Diocesan Registry, Diocese of Newcastle, so as to be available for inspection by any interested person from time to time;
- (b) subject as hereinafter provided, cause any headstones, grave enclosures, and other surface structures on the said land to be collected with due care and disposed of at the discretion of the Trustees.

(3) At least three months before any headstones, grave enclosures, or other surface structures are collected and disposed of under subsection two of this section, an advertisement of the intention to do so shall be inserted twice at an interval of not less than two weeks in a newspaper or newspapers published and circulating in Newcastle, and twice at an interval of not less than two weeks in a newspaper or newspapers published in Sydney and circulating widely throughout New South Wales.

(4) At any time after the appearance of the first advertisement referred to in subsection three of this section and before the expiration of three months from the appearance of the last of such advertisements, the representatives or any persons claiming to be the representatives of any person buried in the said land may, at their own expense, remove the headstone, grave enclosure, or other surface structure erected over the grave of such person, and may, at their own expense, and with the permission of the Director-General of Public Health, remove to such cemetery as they desire, the remains of such person:

Provided that any such representatives or persons claiming to be such representatives shall give to the Trustees not less than fourteen days' notice of their intention.

(5)

(5) The Trustees shall as soon as practicable after <sup>No. 39, 1957.</sup> the headstones, grave enclosures and other surface structures are collected under subsection two of this section erect in a suitable position on the said land a substantial monument in memory of those persons buried therein.

**3.** No compensation shall be payable to any person in respect of the performance of any act authorised by this Act. <sup>No compensation payable.</sup>

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SCHEDULE.

Sec. 2 (1).

ALL THAT piece or parcel of land containing an area of 1 acre 25 perches more or less situate at Mayfield in the parish of Newcastle county Northumberland being part of portion 126 of 42 acres 3 roods 25 perches and being also part of the land in Conveyance No. 80 Book 69 dated 10th August, 1860 Commencing at a point on the Northern boundary of lot 19 in the Charlestown Subdivision bearing Easterly about 120 feet from Church Street and bounded thence on the West by a line bearing Northerly about 146 feet on the North by a line bearing Easterly about 345 feet on the East by part of the West boundary of portion 127 of 36 acres 20 perches bearing Southerly about 146 feet and thence on the South by part of the Northern boundary of lot 19 aforesaid bearing Westerly about 345 feet to the point of commencement subject to Grant of Easement contained in Conveyance Registered Book 1339 No. 423 dated 18th March, 1924 to The Council of the Municipality of Waratah for, inter alia, maintenance of a section of a storm water channel or drain.

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