

# Bega Cemetery Act 1943 No 37

[1943-37]



New South Wales

## Status Information

### Currency of version

Repealed version for 15 December 1943 to 7 July 2011 (accessed 18 July 2024 at 2:25)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **Repeal**

The Act was repealed by Sch 4 to the [Statute Law \(Miscellaneous Provisions\) Act 2011 No 27](#) with effect from 8.7.2011.

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 8 July 2011

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# Bega Cemetery Act 1943 No 37



New South Wales

An Act to vest certain land at Bega in His Majesty for the purposes of the *Public Instruction Act of 1880*; to authorise the removal of human remains, headstones, grave enclosures, and other surface structures from such land; to provide for the reinterment of such remains, and the re-erection of such headstones, grave enclosures and other surface structures; and for purposes connected therewith.

## 1 Name of Act and commencement

- (1) This Act may be cited as the *Bega Cemetery Act 1943*.
- (2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

## 2 Land vested in His Majesty

- (1) The land described in the Schedule to this Act is hereby vested in His Majesty King George the Sixth, His Heirs and Successors for the purposes of the *Public Instruction Act of 1880*:

Provided that the provisions of section four of that Act shall not apply to and in respect of the land so vested.

- (2) Any estate or interest in the land described in the Schedule to this Act which, immediately before the commencement of this Act, was vested in or held by the council of the Municipality of Bega or by any person or body of persons is hereby divested, and the said council and all such persons and bodies are hereby discharged from any duties, liabilities or obligations existing immediately before the commencement of this Act in respect of or in relation to the said land.
- (3) Any trusts, conditions, encumbrances, or dedications affecting the said land immediately before the commencement of this Act are hereby revoked and annulled.

## 3 Removal of human remains, headstones etc

- (1) The Minister for Education may, subject to the provisions of this section, cause the remains of any person buried in the land described in the Schedule to this Act (so far as such remains can by reasonable diligence be discovered and identified), together

with all headstones, grave enclosures, and other surface structures, to be collected with due care and removed to the general cemetery at Bega, now in use, and shall cause any such remains so removed to be reverently reinterred and such headstones, grave enclosures and other surface structures to be re-erected.

- (2) The cost of such removal, reinterment, and re-erection shall be defrayed by the Minister for Education from moneys appropriated by Parliament for the purpose.
- (3) At least six months before the remains of any person or any headstones, grave enclosures, or other surface structures are removed under subsection one of this section, an advertisement of the intention to remove the same shall be inserted four times at intervals of not less than two weeks in newspapers circulating in the locality and four times at intervals of not less than two weeks in newspapers circulating in the Metropolitan Area.
- (4) At any time after the appearance of the first advertisement referred to in subsection three of this section and before the expiration of six months from the appearance of the last of such advertisements the representatives of any person buried in the said land may, at their own expense, remove the headstone, grave enclosure, or other structure erected over the grave of such person or 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 shall give to the Minister for Education not less than twenty-eight days notice of their intention.

#### **4 No compensation payable**

No compensation shall be payable to any person in respect of the divesting of any estate or interest by this Act or in respect of the performance of any act authorised by this Act.

### **Schedule**

All that piece or parcel of land situated in the parish, town and Municipality of Bega, county of Auckland, containing an area of 7 acres 2 roods 7 perches: Commencing at the intersection of the western building line of Auckland-street with the northern building line of High-street; and bounded thence on the south by that building line of High-street bearing west 8 chains, on the west by the eastern building line of Eden-street bearing north 10 chains, on the north by the southern building line of Upper-street bearing east 5 chains 50 links; on the east by the western boundaries of areas of 1 rood 20 perches and 12½ perches resumed and vested in the Commissioner for Main Roads by notices in the Government Gazette on 9 September and 16 December 1938, respectively, bearing 180 degrees 17 minutes 45 seconds 1 chain 81 8/10th links; again on the north by the southern boundary of the beforementioned area of 12½ perches bearing east 2 chains 50 links; and again on the east by the western building line of Auckland-street aforesaid bearing south 8 chains 18 2/10th links, to the point of commencement,—as shown by red edging on plan catalogued C. 647-730 at the Department of Lands, Sydney.