

# St. Anne's Church of England, Ryde, Act 1968 No 47

[1968-47]



New South Wales

## Status Information

### Currency of version

Repealed version for 5 December 1968 to 7 July 2011 (accessed 26 July 2024 at 17:27)

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The Act was repealed by Sch 4 to the [Statute Law \(Miscellaneous Provisions\) Act 2011 No 27](#) with effect from 8.7.2011.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

<b>Long title</b> .....	3
1 Name of Act .....	3
2 Repeal .....	3
3 Definitions .....	3
4 Use of cemetery land for other purposes .....	3
5 Removal of human remains, monuments etc .....	4
6 Re-erection of certain monuments etc .....	4
7 Remains not to be disturbed.....	5
8 No compensation payable .....	5
<b>Schedule</b> .....	5

# St. Anne's Church of England, Ryde, Act 1968 No 47



New South Wales

An Act to authorise the use of cemetery land attached to St. Anne's Church of England at Ryde for the erection of extensions to that Church and certain other purposes associated with that Church; to repeal the *St. Anne's Church of England, Ryde, Act 1953*; and for purposes connected therewith.

## 1 Name of Act

This Act may be cited as the *St. Anne's Church of England, Ryde, Act 1968*.

## 2 Repeal

The *St. Anne's Church of England, Ryde, Act 1953* is hereby repealed.

## 3 Definitions

In this Act, unless the context or subject-matter otherwise indicates or requires:

**the cemetery land** means such part of the land described in the Schedule to this Act as was, immediately before the commencement of this Act, owned by the Trust and used as a cemetery.

**the Trust** means the Church of England Property Trust Diocese of Sydney.

## 4 Use of cemetery land for other purposes

It shall be lawful for the Trust or such persons as may be authorised by the Trust to use the cemetery land for the erection of extensions to St. Anne's Church of England at Ryde, and the construction of footpaths, driveways and car parking areas and such other purposes of the St. Anne's Church of England at Ryde, as the Trust may determine, notwithstanding:

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

## **5 Removal of human remains, monuments etc**

- (1) Before any use is made of the cemetery land pursuant to section four of this Act, the Trust or the persons authorised as aforesaid shall:
  - (a) cause a register to be compiled of the names and other relevant information in respect of persons who are buried in or whose ashes have been placed in or on the cemetery land, so far as those names and that information can by reasonable diligence be obtained, and deposit and maintain the register at St. Anne's Church of England at Ryde, so as to be available for inspection by any interested person from time to time,
  - (b) furnish a certified copy of the register to the Minister,
  - (c) furnish a certified copy of the register to the Mitchell Library, Sydney, where it shall be maintained so as to be available for inspection by any interested person from time to time, and
  - (d) subject as hereinafter provided, cause any monuments and other surface structures on the cemetery land to be collected with due care for re-erection or disposal in accordance with this Act.
- (2) At least three months before any monuments or other surface structures are collected for re-erection or disposal in accordance with this Act, an advertisement of the intention so to do shall be inserted twice at an interval of not less than two weeks in a newspaper or newspapers published and circulating in the locality, 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.
- (3) At any time after the appearance of the first advertisement referred to in subsection two of this section and before the expiration of three months from the appearance of the last of those advertisements, the representative or any persons claiming to be the representatives of any person who is buried in the cemetery land or whose ashes have been placed in or on that land may, at their own expense, and with the permission of the Trust, remove any monument or other surface structure that is upon the cemetery land and relates to that person, and may, at their own expense, and with the permission of the Director-General of Public Health, remove to such cemetery for burial, or such crematorium for cremation, as they desire, the remains of that person.

## **6 Re-erection of certain monuments etc**

Subject to the provisions of subsections two and three of section five of this Act, the Trust or the persons authorised as aforesaid shall:

- (a) where practicable, re-erect the monuments and other surface structures collected under subsection one of section five of this Act in a memorial court established for the purpose on part of the land described in the Schedule to this Act, or

- (b) where it is not so practicable, otherwise dispose of such monuments or other surface structures as the Trust may approve.

## **7 Remains not to be disturbed**

- (1) The Trust or any person authorised as aforesaid or any person shall take due care not to unearth or disturb the remains of any person who is buried in, or any article containing the ashes of any person which has been placed in or on, the cemetery land.
- (2) If any such remains or such articles are unearthed or disturbed, the Trust or the person authorised as aforesaid shall cause:
  - (a) such remains to be reverently interred in some other part of the land described in the Schedule to this Act, or in another cemetery, or
  - (b) such articles to be reverently placed in or on some other part of such land or in or on some other cemetery.
- (3) Nothing in this section prevents the removal of any remains pursuant to subsection three of section five of this Act.

## **8 No compensation payable**

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

## **Schedule**

(Sections 3, 6 and 7)

ALL that piece or parcel of land containing by admeasurement 1 acre  $30\frac{3}{4}$  perches be the same more or less situate in the Municipality of Ryde Parish of Hunters Hill County of Cumberland and being part of the land comprised in Certificate of Title Volume 6626 Folio 202 commencing on the south-eastern side of Church Street at the northernmost corner of an area of  $21\frac{1}{4}$  perches resumed for purposes of the *Main Roads Act 1924-1951*, by gazette notification of 25 January 1952, and shown on plan catalogued Ms 14246 Sy, at the Department of Lands and bounded thence on the north-west by Church Street bearing 20 degrees 1 minute 66 feet  $10\frac{3}{8}$  inches and thence 31 degrees 29 minutes 178 feet on the north-east by a line bearing 115 degrees 40 minutes 195 feet 9 inches to Little Church Street on the south-east by Little Church Street bearing 211 degrees 22 minutes 30 seconds 274 feet  $7\frac{1}{8}$  inches and thence by a north-western boundary of the aforesaid  $21\frac{1}{4}$  perches bearing 258 degrees 16 minutes 16 feet  $4\frac{3}{4}$  inches and on the south-west by lines dividing this land from that  $21\frac{1}{4}$  perches bearing 305 degrees 10 minutes 155 feet 8 inches and thence 342 degrees 58 minutes 45 seconds 18 feet  $11\frac{1}{2}$  inches to the point of commencement.