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ELIZABETHAE II REGINAE

A.D. 1960

No. 33 of 1960**An Act to amend the Enfield General Cemetery Act, 1944-1956.**

[Assented to 3rd November, 1960.]

BE IT ENACTED by the Governor of the State of South Australia with the advice and consent of the Parliament thereof, as follows :

- Short titles.** **1.** (1) This Act may be cited as the "Enfield General Cemetery Act Amendment Act, 1960".
- (2) The Enfield General Cemetery Act, 1944-1956, as amended by this Act, may be cited as the "Enfield General Cemetery Act, 1944-1960".
- (3) The Enfield General Cemetery Act, 1944-1956, is hereinafter referred to as "the principal Act".
- Incorporation.** **2.** This Act is incorporated with the principal Act, and that Act and this Act shall be read as one Act.
- Amendment of s. 14 of principal Act.** **3.** Section 14 of the principal Act is amended by inserting after subsection (1) thereof a subsection as follows :—
- (1a) The trust may delegate to any person approved by the Governor, on such terms and conditions as the Governor approves, any of the powers it is authorized to exercise by this Act, other than the power to make regulations under section 43 of the Act, and may at any time, with the Governor's approval, vary or revoke such delegation.
- Amendment of s. 16 of principal Act.** **4.** Section 16 of the principal Act is amended by substituting for the words "to enable" in the second line of subsection (2) thereof, the passage, "and, with the Governor's approval, enter

into any arrangement with any person, whether as its agent or otherwise, to enable or assist”.

5. The principal Act is amended by inserting after section 22 thereof the following section :—

Enactment of
s. 22a of
principal Act—

22a. (1) The trust may as occasion requires, with the consent of the Governor, sell in such manner and upon such terms and conditions as the Governor approves, such portions of the land included in the cemetery as have not been developed, prepared or used for burial purposes.

Power to sell
land not used
for burial
purposes.

(2) The proceeds of every sale under this section shall be applied in manner provided in the fourth schedule as if they were proceeds of the sale of land pursuant to section 22 of this Act.

(3) Upon the sale of any portion of the land that portion shall cease to be part of the cemetery.

6. Section 27 of the principal Act is amended by inserting after subsection (1) thereof the following subsection :—

Amendment of
s. 27 of
principal Act.

(1a) Where any income is derived or expenditure is incurred by the trust through the exercise of any powers delegated by the trust to any person or through any activity of any person with whom the trust has entered into an arrangement pursuant to this Act, such person shall keep proper books of account for the purpose of recording all transactions relating to such income and expenditure, and shall, when requested by the trust, or the Auditor-General, or by any person authorized in that behalf by the Minister, produce such books for inspection.

Penalty : Fifty pounds.

7. Section 32 of the principal Act is amended—

Amendment of
s. 32 of
principal Act.

(a) by substituting for the words “do all things necessary” in the second line of subsection (1) thereof the passage “, subject to this Act, do or cause or permit to be done such things as the trust considers necessary or expedient” ;

(b) by striking out subsection (2) and inserting in lieu thereof the following subsection :—

(2) Subject to this Act, the trust may within the cemetery erect or cause or permit to be erected any buildings, and make or cause or permit to be made any improvements, which the trust considers necessary or expedient for the conduct of the cemetery ; and

(c) by striking out subsection (3) and inserting in lieu thereof the following subsection :—

(3) Subject to this Act and the Cremation Act, 1891-1936, the trust may erect and maintain or cause or permit to be erected and maintained a crematorium within the cemetery.

Amendment of
s. 33 of
principal Act.

8. Section 33 of the principal Act is amended by adding after subsection (2) thereof the following subsection :—

(3) Where the trust has set apart or sets apart a portion of the cemetery for any purpose pursuant to this section that portion shall not be used by any person for any other purpose except with the consent of the Governor.

Amendment of
s. 38 of
principal Act.

9. Section 38 of the principal Act is amended by inserting after the word “payable” in the second line of subsection (1) thereof the words “to the trust or to an agent of the trust or some other person duly appointed or authorized to receive the same”.

Amendment of
s. 39 of
principal Act.

10. Section 39 of the principal Act is amended by substituting for the word “necessary” in the first line thereof the words “not inconsistent with this Act which the trust considers necessary or expedient”.

Amendment of
s. 42 of
principal Act.

11. Section 42 of the principal Act is amended by substituting for the words “of the trust” in the first and second lines of subsection (1) thereof the words “within the cemetery”.

In the name and on behalf of Her Majesty, I hereby
assent to this Bill.

J. M. NAPIER, Lieutenant-Governor.