

*General Cemeteries.***No. 1 of 1894.****An Ordinance to vest the control of General Cemeteries situated within Municipal Limits in the Municipal Council.**

WHEREAS it is expedient to amend "The Cemeteries Ordinance, 1862," and to vest certain powers and duties conferred by the said Ordinance on the Governor and Executive Council in the chairman of the municipal council, and the municipal council, in respect of general cemeteries situated, or used for the burial of persons dying, within the limits of a municipal town: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

1 This Ordinance may be cited as "The Municipal Cemeteries Ordinance, 1894," and this Ordinance and "The Cemeteries Ordinance, 1862," hereinafter called "the principal Ordinance," and the Ordinances No. 2 of 1885 and No. 17 of 1886, shall be construed and read as one Ordinance.

2 For the purpose of carrying out the provisions of sections 5 and 6 of the principal Ordinance and the provisions of the Ordinance No. 2 of 1885, it shall be the duty of the municipal council of any town, on the request of the Governor in Executive Council, to provide land for the purpose of the establishment of a general cemetery for the burial of persons dying within the limits of such town, or of adding to the limits of any such cemetery heretofore, or hereafter to be, established under the principal Ordinance.

3 The powers and duties vested in and appertaining to the Governor, with the advice and consent of the Executive Council, under and by virtue of the provisions of sections 10, 12, 18, 20, 22, 24, 26, and 28 of the principal Ordinance, and section 3 of the Ordinance No. 17 of 1886, and to the Governor under and by virtue of the provisions of sections 8, 17, and 22 of the principal Ordinance and section 2 of the Ordinance No. 17 of 1886, shall be exercised and performed by the municipal council, and the chairman of the municipal council, respectively, in respect of any general cemetery established under the principal Ordinance, and situated, or used for the burial of persons dying, within municipal limits.

4 All monies realized by the sale of any portion of such cemeteries under section 20 of the principal Ordinance shall be paid into the municipal fund and form a portion of the municipal revenue.

5 The powers and duties vested in and appertaining to the Governor, with the advice and consent of the Executive Council, under and by virtue of the provisions of sections 10, 18, 20, 22, 24, 26, and 28 of the principal Ordinance, and

Preamble.

Short title.
This Ordinance and the Ordinances 12 of 1862, 2 of 1885, and 17 of 1886 to be construed and read as one Ordinance.

Municipal council to provide land for the purpose of establishing general cemeteries in municipal towns.

Powers and duties vested in Governor and Executive Council to be exercised within municipal limits by chairman and municipal council.

Monies raised by sale under section 20 of No. 12 of 1862 to form part of municipal revenue.

Within municipal limits certain powers to be exercised

General Cemeteries.

by chairman and
municipal
council.

to the Governor under and by virtue of the provisions of sections 17 and 22 of the principal Ordinance, shall be exercised and performed by the municipal council, and the chairman of the municipal council, respectively, in respect of any cemetery established under Ordinance No. 1 of 1880, and situated, or used for the burial of persons dying, within the municipal limits.

Within
municipal
limits section
21 of Ordinance
No. 12 of 1862
not to apply.

6 The provisions of section 21 of the principal Ordinance, and the Ordinance No. 20 of 1884, shall not apply, after the coming into operation of this Ordinance, to any cemetery established under the principal Ordinance and situated, or used for the burial of persons dying, within the limits of any municipal town.

Municipal
council to make
regulations as to
fees, &c.

7 The municipal council shall make regulations as to the fees to be paid for the performance of burial services, for digging graves, and such other services in any general cemetery established under the provisions of the principal Ordinance and situated, or used for the burial of persons dying, within municipal limits, and all such fees shall be paid to the keeper of such cemetery, to be by him paid to the chairman of the municipal council as part of the municipal revenue. Provided that the fees payable under this section in respect of any portion of any cemetery set apart for the special use of any religious denomination, and all fees payable under the Ordinance No. 17 of 1886, shall, as heretofore, be paid and appropriated by the board of management for such portion appointed under the said Ordinance, and shall be applied by such board in manner provided by section 7 of the said Ordinance.

Rights of
persons and
religious
denominations
under
Ordinances 12 of
1862 and 17 of
1886 preserved.

8 Nothing in this Ordinance contained shall in any way affect, vary, or alter (1) any right, privilege, obligation, or liability accrued to, or incurred by, any person, body corporate, or religious denomination under the provisions of the principal Ordinance or of the Ordinance No. 17 of 1886; (2) or any legal proceeding or remedy in respect of any such right, privilege, obligation, or liability as aforesaid; and any such legal proceeding and remedy may be carried on as if this Ordinance had not passed.

Commencement.

9 This Ordinance shall come into operation on such day as the Governor shall by Proclamation in the *Government Gazette* appoint.*

23rd February, 1894.

* Proclaimed as coming into operation from and after 1st July, 1894.