



No. (Spring 1969 Application) 1969.

THE DUBLIN CEMETERIES COMMITTEE BILL, 1969

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THE DUBLIN CEMETERIES COMMITTEE BILL, 1969

BILL

entitled

AN ACT TO ESTABLISH A BODY CORPORATE TO UNDERTAKE AND CARRY OUT THE FUNCTIONS AT PRESENT 5
UNDERTAKEN AND CARRIED OUT BY THE "DUBLIN
CEMETERIES COMMITTEE" AND TO ENLARGE AND
EXTEND SUCH FUNCTIONS.

Preamble.

WHEREAS by an Act passed in the Session of Parliament held in the ninth and tenth years of Queen Victoria Cap. cccxi entitled 10
"An Act for the maintenance of the Cemeteries at Golden Bridge and Prospect in the County of Dublin and to create a perpetual Succession in the governing Body or Committee for managing the same" (hereinafter referred to as "the 1846 Act") certain persons therein named and their successors were constituted a Committee or 15
Governing Body by the name and style the "Dublin Cemeteries Committee" (hereinafter referred to as "The 1846 Committee") for the maintenance of certain public Cemeteries and Burial grounds which had been established at Golden Bridge in the Parish of St. James and at Prospect Glasnevin in the Parish of Glasnevin and 20
in the County (now in the City) of Dublin (hereinafter referred to as "The Original Cemeteries") with power to hold the said Burial Grounds or Cemeteries, lands, buildings and hereditaments at Golden Bridge and Prospect aforesaid to them and their successors and assigns without incurring any penalties or forfeitures, 25

AND WHEREAS the 1846 Committee have acquired further lands from time to time in the Parish of Glasnevin aforesaid for use as a Cemetery or Burial Ground or for use in conjunction with the Original Cemeteries which further lands together with the Original Cemeteries 30
are hereinafter referred to as "The Existing Cemeteries".

AND WHEREAS doubts have arisen as to the nature and constitution of the 1846 Committee and as to its power to acquire and provide burial facilities in the County and City of Dublin elsewhere than in the Parish of Glasnevin aforesaid to sell or dispose of land, and to 35
invest or deal with surplus moneys.

AND WHEREAS it is expedient that such doubts should be resolved.

AND WHEREAS the purposes aforesaid cannot be effected without the authority of the Oireachtas.

BE IT THEREFORE ENACTED BY THE OIREACHTAS AS 40
FOLLOWS:

Title.

1.—This Act may be cited for all purposes as "The Dublin Cemeteries Committee Act, 1969".

Name of
Committee.

2.—(1) On the establishment date there shall be established by virtue of this section a Committee to be styled and known as 45
"The Dublin Cemeteries Committee".

(2) The Dublin Cemeteries Committee (hereinafter referred to as "the Committee") shall be a body corporate with perpetual succession and an official seal (which shall be judicially noticed) and power to sue and be sued in its said name and to purchase, take, hold and dispose of land and other property.

3.—(1) The number of members of the Committee shall be twenty. Constitution of Committee.

(2) The persons who were members of the 1846 Committee immediately prior to the establishment date shall be members of the Committee.

10 4.—(1) Subject to *subsection* (2) of this section, every member of the Committee shall hold office for his life. Membership.

(2) A member of the Committee shall cease to be a member of the Committee if:—

(a) he resigns his office by notice in writing to the Committee,

15 (b) he shall for more than twelve months have been absent without permission of the Committee from meetings of the Committee held during that period,

20 (c) if the Committee resolves that such member be removed from office and such resolution is supported by not less than two-thirds of the members of the Committee for the time being.

5.—The Committee shall have power at any time and from time to time to appoint any person to be a member of the Committee either to fill a vacancy or as an addition to the members of the Committee for the time being but so that the total number of members of the Committee shall not at any time exceed the number fixed by this Act. Appointment of members.

6.—(1) The Chairman (if any) of the 1846 Committee immediately prior to the establishment date shall be the Chairman of the Committee. Chairman.

(2) Where the office of Chairman of the Committee becomes vacant the Committee shall at their next meeting elect one of their members to be Chairman of the Committee.

35 (3) Where the Chairman of the Committee ceases to be a member of the Committee he shall be disqualified from being and shall forthwith cease to be such Chairman.

7.—(1) The Committee shall hold at least one meeting in every quarter of the year and shall also hold such other meetings as may be necessary for the due performance of their functions. Meetings.

40 (2) The Chairman shall act as Chairman of every meeting of the Committee at which he is present.

(3) During the absence of the Chairman from any meeting of the Committee the members of the Committee present shall elect one of themselves to be Chairman of the meeting.

45 (4) Every question at a meeting of the Committee shall be determined by a majority of the votes of the members present and voting on the question and in the case of an equal division of votes the Chairman of the meeting shall have a second or casting vote.

(5) The quorum for a meeting of the Committee shall be such

number (not less than three) as the Committee may from time to time determine and in default of determination shall be three.

(6) The Committee may act notwithstanding a vacancy in its membership.

(7) Subject to this section the Committee shall regulate by rules the 5 procedure of the Committee.

Rules.

8.—The Committee may by rules provide for the establishment functions and procedure (including quorum) of Sub-Committees of the Committee and the rules may authorise the appointment of persons other than members of the Committee to be members of the 10 Sub-Committees and may provide for the delegation, to a Sub-Committee or Sub-Committees of or under the Committee, of any powers, functions or duties of the Committee.

Fees.

9.—Every member of the Committee and any Sub-Committee for the time being shall be entitled to be paid a fee not exceeding 15 £3. 3. 0. for each meeting of the Committee or Sub-Committee at which he shall be present or such larger sum as may be approved of by the Commissioners of Charitable Donations and Bequests for Ireland.

Expenses of Committee and Members

10.—The Committee shall have power to provide for the payment 20 of all reasonable and proper expenses incurred by the Committee and the members thereof.

Contracts.

11.—No member of the Committee shall be disqualified by his office from entering into any contract with the Committee or from being concerned or interested in any contract under the Committee 25 nor shall any contract or arrangement entered into by or on behalf of the Committee in which any member thereof shall be in any way concerned or interested be avoided, nor shall any person so contracting or being so concerned or interested be disqualified from being chosen or continuing or acting as a member of the Committee or be 30 liable to account to the Committee for any profit realised by any such contract or arrangement by reason of holding that office or of the fiduciary relation thereby established provided that the nature of his interest is disclosed at the meeting of the Committee at which the contract or arrangement is determined on, if his interest then exists 35 or in any other case at the first meeting of the Committee after the acquisition of his interest, but a member of the Committee may not as such member vote in respect of any such contract or arrangement in which he is so concerned or interested as aforesaid. A general notice that a member of the Committee is a member of a specified 40 firm or Company and is to be regarded as interested in any subsequent transaction with such firm or company shall, if recorded in the Minutes of the Committee, be sufficient disclosure under this section, and after such general notice it shall not be necessary to give any special notice relating to any particular transaction with such firm or 45 company.

Seal.

12.—(a) The Committee shall provide and have an official seal and such seal shall be authenticated by the signature of the Chairman of the Committee or some other member thereof authorised by the Committee to act in that behalf and by 50 the signature of an officer of the Committee duly authorised by the Committee to act in that behalf.

(b) Every document purporting to be an Order or other instrument made by the Committee and to be sealed with the seal of the Committee authenticated in accordance with 55 this section shall be received in evidence and be deemed to be such Order or instrument without further proof unless the contrary is shown.

13.—Any contract or instrument which if entered into or executed by a person not being a body corporate, would not require to be under seal may be entered into or executed on behalf of the Committee by any person generally or specially authorised by the Committee for that purpose.

Contracts not under seal.

14.—The Committee may exercise and perform any of its functions through or by any of its officers or servants authorised by the Committee in that behalf.

Performance of Functions.

15.—The objects for which the Committee is established are as follows:—

Objects.

(a) To maintain, improve and extend the existing Cemeteries and to preserve the bodies interred in them from disturbance and desecration.

(b) To acquire, provide, maintain, improve, lay-out, construct and operate in the County or City of Dublin cemeteries, burial grounds and other places and means for the burial, interment, preservation or disposal of human remains in accordance with the rites, services and beliefs of the Roman Catholic Church, the Church of Ireland, the Presbyterian Church in Ireland, the Methodist Church in Ireland, the Religious Society of Friends in Ireland, or the Jewish Congregations or the other religious denominations existing in the Republic of Ireland on the establishment date.

16.—(1) Subject to the provisions of this Act, the Committee shall have, in addition to any other powers vested in or conferred on it by any other provision of this Act power:—

Powers.

(a) to purchase, take on lease or otherwise acquire any lands, buildings, farms, gardens, or other property for any estate or interest whatsoever and any rights or privileges or easements over or in respect of any property.

(b) to sell, improve, manage, develop, exchange, lease, hire, mortgage, dispose, turn into account or otherwise deal with all or any part of the undertaking property and rights of the Committee.

(c) to borrow, or raise or secure the payment of money in such manner as the Committee shall think fit.

(d) to invest and deal with the moneys of the Committee not immediately required and in such manner as may from time to time be determined.

(e) to employ such executive, professional, clerical, skilled or labouring staff as may be required by the Committee from time to time and to provide for the remuneration of such persons.

(f) to accept, seek and collect grants, subscriptions, donations, devises, and bequests for all or any of the purposes of the Committee and generally to manage, invest and expend all moneys or property belonging to the Committee.

(g) to enter into an Agreement for co-operation or reciprocal concession with any Government or Authorities supreme, municipal or otherwise, corporate bodies, unincorporated associations, or persons that may seem conducive to the attainment of the objects of the Committee or any of them and to obtain from any Government, Authority, Company, Firm or person any charters, contracts, decrees, rights, privileges and concessions which the Committee may think desirable and to carry out, exercise and comply with any such charters, contracts, decrees, rights, privileges and concessions.

- (h) to establish and maintain or procure the establishment and maintenance of any contributory or non-contributory pension or superannuation funds for the benefit of and give or procure the giving of donations, gratuities, pensions, allowances or emoluments to any persons who are or were at any time in the employment or service of the Committee or who are or were at any time officers of the Committee and the wives, widows, families and dependants of any such persons and to make payments to or towards the insurance of any such person as aforesaid and do any of the matters aforesaid either alone or in conjunction with any other person. 5 10
- (i) to build, construct, erect, improve, maintain buildings, chapels, monuments, headstones for the decoration of or the use in cemeteries or burial grounds. 15
- (j) to do all such other things as the Committee may consider incidental or conducive to the attainment or advancement of any of the objects of the Committee.

Disposal of lands.

17.—(1) Notwithstanding anything hereinbefore contained the Committee shall not dispose of any part of any of the lands for the time being vested in it if such part of such lands is for the time being used or has at any time been used as a cemetery or burial ground. 20

(2) Subject as aforesaid the Committee may dispose whether absolutely or for a term of years or for any lesser period of any property which in the opinion of the Committee is not for the time being required by it for use as a burial ground. 25

(3) A Certificate sealed with the seal of the Committee certifying that any such property is not for the time being required by the Committee for use as a burial ground shall be conclusive evidence in favour of any purchaser from the Committee that such property is not so required. 30

Application of income.

18.—(1) Subject to *subsection (2)* of this section the income and property of the Committee whencesoever derived shall be applied solely towards the promotion of the objects of the Committee and no portion thereof shall be paid or transferred, directly or indirectly by way of dividend, bonus or otherwise howsoever by way of profit to the members of the Committee. 35

(2) Notwithstanding the provisions of *subsection (1)* of this section the Committee shall be entitled to pay out of the income and property aforesaid fees and expenses to the members for the time being of the Committee in accordance with section 9 and 10 hereof and reasonable and proper remunerations to any officer or servant of the Committee or to any member of the Committee in return for any service actually rendered to the Committee. 40

Winding up.

19.—If upon the winding up or dissolution of the Committee there remains after the satisfaction of all its debts and liabilities, any property whatsoever, the same shall not be paid to or distributed among the members of the Committee but shall be given or transferred to some other Institution or Institutions having objects similar to the objects of the Committee and which shall prohibit the distribution of its or their income and property among its or their members to an extent at least as great as is imposed on the Committee under or by virtue of this Act, such Institution or Institutions to be determined by the members of the Committee at or before the time of dissolution and if and so far as effect cannot be given to the aforesaid provision, then to some charitable object. 45 50 55

20.—It shall be lawful for any clergyman duly licensed or appointed according to the rites or form of the religion to which he belongs at the request in writing of the Executor of any deceased person or of any other person having charge of the interment of any deceased person to perform the Burial Service of the said religion in any such burial ground. Burial Services.

21.—The Catholic Archbishop of Dublin for the time being may from time to time appoint, at the request of the Committee, a clergyman of the Catholic Church to officiate as a Chaplain in any of the burial grounds of the Committee and such Chaplain shall be subject to the jurisdiction of the said Archbishop, and may be removed by him at any time. Catholic Chaplain.

22.—The Committee shall out of the moneys received by it, allow to the Chaplain for the time being of each such burial ground such remuneration as shall be agreed upon at the time of every such appointment and the Committee may if it so desires from time to time increase such remuneration: Provided however that it shall not be lawful for any Chaplain to demand or receive any fee for interments in any of the said burial grounds. Remuneration of Chaplain.

23.—The Committee shall out of the moneys received by it keep all and singular burial grounds and cemeteries Chapels and buildings thereon and the external walls and fences thereof and all other parts thereof in a suitable state of repair and condition so far as practicable. Maintenance.

24.—(1) All property, whether real or personal (including choses-in-action) which immediately before the establishment date was vested in or belonged to the 1846 Committee or was held in trust for the 1846 Committee and all rights, powers, and privileges relating to or connected with any such property shall, on the establishment date and without any conveyance or assignment become and be vested in or the property of or held in trust for the Committee for all the estate, term, or interest for which the same immediately before the establishment date was vested in or belonged to or was held in trust for the 1846 Committee. Transfer of property.

(2) Every debt and other liability (including unliquidated liabilities arising from torts or breaches of contract) which immediately before the establishment date was owing and unpaid or had been incurred and was undischarged by the 1846 Committee, shall, on the establishment date, become and be the debt or liability of the Committee and shall be paid or discharged by and may be recovered from or enforced against the Committee.

(3) Every chose-in-action transferred by this section may be sued upon, recovered or enforced by the Committee, in its own name, and it shall not be necessary for the Committee to give notice to the person bound by such chose-in-action of the transfer effected by this section.

25.—(1) Every Bond, Guarantee or other security of a continuing nature made or given by the 1846 Committee to any person, or by any person to the 1846 Committee and in force immediately before the establishment date, and every contract or agreement in writing made between the 1846 Committee and any other person and not fully executed and completed before that date, shall, notwithstanding the dissolution of the 1846 Committee, continue in force on and after that date, but shall be construed and have effect as if the name of the Committee were substituted therein for the name of the 1846 Committee and such security, contract, or Agreement shall be enforceable by and against the Committee accordingly. Transitory provisions.

(2) Any proceedings instituted by or against the 1846 Committee which are pending immediately before the establishment date may be continued by or against and in the name of the Committee and shall not abate by reason of the dissolution of the 1846 Committee.

Transfer of Officers
and Servants.

26.—Any officer or servant in the service or employment of the 1846 Committee shall on the establishment date be transferred from the service and employment of the 1846 Committee to and become an officer or servant (as the case may be) of the Committee with the same rights and subject to the same obligations and incidents in respect of such service or employment as he would have had or been subject to as an officer or servant of the 1846 Committee.

Application of
Finance Act 1895.

27.—Section 12 of the Finance Act of 1895 shall not apply to the vesting in the Committee of any property by virtue of this Act.

Regulations.

28.—(1) The Committee may make rules for all or any of the following purposes :

- (a) for the regulation of meetings of the Committee and any Sub-Committee for the time being thereof subject to the provisions of this Act,
- (b) for regulating the duties of the employees and servants of the Committee,
- (c) for regulating the time and mode of burial or interment in any cemetery or burial ground under the care of the Committee,
- (d) for maintaining order in and regulating the use of any cemetery or burial ground under the control of the Committee or other premises occupied by the Committee,
- (e) for providing for the safe custody of the books, documents, records and maps kept by the Committee in relation to such cemeteries or burial grounds and the due entering therein of all proper information and particulars,
- (f) generally for carrying this Act into effect.

(2) Until rules are made in regard to any particular matter by the Committee under this Act, the rules made or deemed to have been made by the 1846 Committee, shall, as regards that matter and subject to any necessary modifications, have effect, as if duly made by the Committee under this Act.

Accounts.

29.—The Accounts of the Committee shall be audited annually by two qualified Accountants and an abstract of the receipts and disbursements from the Accounts for the preceding year shall be published annually in at least two newspapers circulating in the City of Dublin.

Dissolution of the
Committee.

30.—On the establishment date the 1846 Committee shall be by virtue of this section, dissolved.

Establishment date.

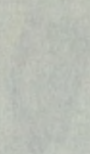
31.—The expression “the establishment date” means the 1st day of January, 1970.

Repeal of 1846 Act.

32.—The 1846 Act is hereby repealed as on and from the establishment date.

Expenses.

33.—The costs, charges and expenses preliminary to and of and incidental to the preparing, obtaining and passing of this Act shall be paid by the Committee out of the funds of the Committee.



THE DUBLIN UNIVERSITY OF THE CITY

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**THE DUBLIN CEMETERIES COMMITTEE
BILL, 1969.**

BILL

entitled

An Act to establish a Body Corporate to undertake and carry out the functions at present undertaken and carried out by the "Dublin Cemeteries Committee" and to enlarge and extend such functions.

MAXWELL, WELDON & Co.,
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