



BILL NO. 129

Private Bill

*4th Session, 61st General Assembly
Nova Scotia
61 Elizabeth II, 2012*

An Act Respecting the Liverpool United Baptist Church Cemetery

CHAPTER 69
ACTS OF 2012

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
DECEMBER 6, 2012**

Vicki Conrad
Queens

*Halifax, Nova Scotia
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An Act Respecting the Liverpool United Baptist Church Cemetery

Be it enacted by the Governor and Assembly as follows:

1 This Act may be cited as the *Liverpool United Baptist Church Cemetery Act*.

2 In this Act,

(a) “Cemetery” means the United Baptist Church Cemetery;

(b) “Corporation” means the United Baptist Cemetery Corporation, a body corporate incorporated pursuant to Chapter 131 of the Acts of 1973, *An Act to Incorporate the Liverpool United Baptist Church Cemetery*;

(c) “Trustees” means the Trustees of the Liverpool United Baptist Church, a body corporate incorporated pursuant to Chapter 132 of the Acts of 1948, *An Act to Incorporate the Trustees of Liverpool United Baptist Church*.

3 The Corporation is hereby dissolved.

4 (1) Upon the coming into force of this Act, all property, rights, liabilities and obligations of the Corporation vest in and become the property, rights, liabilities and obligations of the Trustees.

(2) After the coming into force of this Act, all gifts, trusts, bequests, devises and grants of property or the income or proceeds from property given to, made to or held in trust for the Corporation are deemed to be given to, made to or held in trust for the Trustees to be used by the Trustees for Cemetery purposes in accordance with the terms of the gift, trust, bequest, devise or grant.

5 The Trustees may assess all lot owners rateably in proportion to the number of lots owned by them for any money required for protecting, fencing or improving the Cemetery or for other necessary purposes connected with the management of the Cemetery.

6 (1) Where any Cemetery lot has been sold by the Trustees for a burial site, the conveyance is not required to be registered for any purpose whatsoever and is not affected by any Act respecting the registration of deeds or title to land.

(2) No judgment, mortgage or encumbrance attaches to or affects any Cemetery lot once it has been conveyed by the Trustees.

(3) A Cemetery lot owner desiring to dispose of the lot shall first offer the lot to the Trustees at the price paid by the owner, which price must not be increased by reason of any additional money paid by the owner under assessments made by the Trustees for improvements or otherwise and, on refusal of the Trustees to purchase the lot, the owner may, subject to the by-laws, dispose of the lot to any person by written transfer and entry on the books of the Trustees by the Secretary.

7 The Trustees shall apply the proceeds of sales of Cemetery lots to preserve, improve and embellish the Cemetery and to provide suitable buildings, vaults and equipment for Cemetery purposes, but for no other purpose whatsoever.

8 The Trustees may make by-laws not inconsistent with this Act, Chapter 132 of the Acts of 1948, *An Act to Incorporate the Trustees of Liverpool United Baptist Church*, or the laws of the Province, respecting the management, preservation, improvement and embellishment of the Cemetery including, without limiting the generality of the foregoing,

- (a) respecting the division and arrangement of Cemetery lot areas;
- (b) respecting the size and price of Cemetery lots;
- (c) respecting who may receive Cemetery lots;
- (d) respecting the perpetual care of Cemetery lots;
- (e) respecting the investment of funds received by the Trustees in respect of the Cemetery or Cemetery lots;
- (f) prescribing the duties of Cemetery lot owners with respect to the care and upkeep of the owners' lots;
- (g) respecting the removal of offensive materials, improper monuments and nuisances;
- (h) providing for the charging of expenses incurred by the Trustees in removing offensive materials, improper monuments and nuisances from an owner's Cemetery lot to the owner;
- (i) respecting any other matter the Trustees consider necessary or advisable for the proper management, preservation, improvement and embellishment of the Cemetery.

9 (1) A Cemetery lot, or part of a Cemetery lot, in which no interment has been made may be sold by the Trustees for arrears of assessments if the arrears are equal to or exceed the original value of the lot.

(2) Where a Cemetery lot or part of a Cemetery lot is to be sold pursuant to subsection (1), the Trustees shall provide the lot owner with six months' written notice mailed to the last known address of the Cemetery lot owner.

10 (1) All Cemetery lot owners shall keep their respective lots in good order.

(2) Upon giving ten days' notice, the Trustees may order the owner of any neglected Cemetery lot to put the lot in good order at the lot owner's expense.

(3) The Trustees may, without notice, remove from a Cemetery lot any offensive or improper monument or any nuisance with or without notice to the offending party and charge the cost of removal to the lot owner.

11 Chapter 131 of the Acts of 1973, *An Act to Incorporate the Liverpool United Baptist Church Cemetery*, is repealed.
