

**Reprint
as at 21 October 1949**



**Knox Presbyterian Church (Lower
Hutt) Cemetery Act 1949**

Private Act 1949 No 2
Date of assent 20 October 1949
Commencement 20 October 1949

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**An Act to authorise the Presbyterian Church Property Trustees,
duly incorporated under the Presbyterian Church Property Act**

Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

1885, and the amendments thereof, to remove all headstones, monuments, and grave surrounds erected in the cemetery on the grounds of Knox Presbyterian Church situate in High Street in the City of Lower Hutt, to level and plant the ground so affected, and to erect a monument common to all persons interred in the said cemetery

Preamble

Whereas the Presbyterian Church Property Trustees, a body incorporated under the provisions of the Presbyterian Church Property Act 1885, and the amendments thereof, is registered as the proprietor of an estate in fee simple in all that piece of land more particularly hereinafter described:

And whereas the said piece of land has been used as a burial ground, but no interment of human remains has taken place therein since 1913 and no further interments are likely to take place therein:

And whereas the trustees have experienced difficulty in keeping the said piece of land and the headstones, monuments, and grave surrounds thereon in a neat and tidy condition:

And whereas it is expedient that the said headstones, monuments, and grave surrounds should be removed and the said piece of land levelled and laid out in lawns with ornamental trees and shrubs:

And whereas the trustees have no power without legislation to give effect to their wishes.

1 Short Title

This Act may be cited as the Knox Presbyterian Church (Lower Hutt) Cemetery Act 1949.

2 Interpretation

In this Act, if not inconsistent with the context,—

the said piece of land means the burial ground forming part of the Knox Presbyterian Church property, High Street, Lower Hutt, being part of Section 35 of the Hutt District, and being part of the land contained in certificate of title, Volume 348, folio 17, Wellington Registry

the trustees means the Presbyterian Church Property Trustees duly incorporated under the Presbyterian Church Property Act 1885, and the amendments thereof.

3 Power to remove headstones, etc

The trustees may and they are hereby empowered to remove all headstones, monuments, and grave surrounds at present erected on the said piece of land and to close the same as a burial ground in respect of future interments.

4 Records to be kept

The trustees shall cause to be kept as complete a record as possible of the names of all persons known to be buried in the said piece of land and of the position in the same of the graves of such persons, and such record shall be available for inspection at the offices of the trustees at all reasonable times.

5 Land to be kept in tidy condition and common memorial erected

The trustees shall, as soon as conveniently may be after the removal of the said headstones, monuments, and grave surrounds, cause the said piece of land to be levelled and planted in grass, trees, and shrubs, and at all times thereafter kept in a tidy condition, and also shall cause to be erected on the said piece of land a suitable memorial inscribed with the names of the persons known to be interred therein.

6 Remains not to be removed nor land used except as closed burial ground

Nothing herein shall empower or be deemed to empower the trustees to remove or disturb the remains of any persons buried in the said piece of land nor to dispose of the said piece of land nor to use the same for any purpose other than as a closed burial ground.

7 Private Act

This Act is hereby declared to be a private Act.

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Notes**1 *General***

This is a reprint of the Knox Presbyterian Church (Lower Hutt) Cemetery Act 1949. The reprint incorporates all the amendments to the Act as at 21 October 1949, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, see <http://www.pco.parliament.govt.nz/reprints/>.

2 *Status of reprints*

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 *How reprints are prepared*

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and

provisions that are repealed or revoked are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 Changes made under section 17C of the Acts and Regulations Publication Act 1989

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint
(most recent first)*
