

**Reprint
as at 26 October 1956**



**Petone Borough Council
Empowering Act 1956**

Local Act 1956 No 9
Date of assent 25 October 1956
Commencement 25 October 1956

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Land vested for purposes of public street

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.

An Act to close the Roman Catholic cemetery at the corner of McKenzie Street and Korokoro Road in the Borough of Petone; to vest part of the land in the Petone Borough Council for street purposes; and to authorise the laying of a drain through the said cemetery, the removal and reinterment of certain human remains therein, the removal of all headstones, monuments, and grave surrounds therein, the levelling and planting of the ground so affected, and the erection of a monument common to all persons interred in the said cemetery

Whereas all that piece of land situate in the Borough of Petone containing 3 roods 39 perches and seven-tenths of a perch, more or less, being part Section 3, Hutt District, situated in Block XIII, Belmont Survey District, and being the land described in Special Crown Grant Number 82 recorded in the Special Grant Book in the office of the Chief Surveyor at Wellington, at page 181, is vested in the Roman Catholic Archbishop of Wellington in trust to permit the said land to be forever used and appropriated as a cemetery for the burial of members of the Roman Catholic religion exclusively:

And whereas no interment of human remains has taken place in the said cemetery for several years:

And whereas no further interments are likely to take place therein:

And whereas the said cemetery has not been closed pursuant to the provisions of the Cemeteries Act 1908:

And whereas the said cemetery is overgrown and the owner thereof has had difficulty in keeping the said piece of land and the headstones, monuments, and grave surrounds therein in a neat and tidy condition:

And whereas it is expedient that the said cemetery should be closed and no further interment of human remains be permitted therein:

And whereas the Petone Borough Council is desirous of laying a drain through the said cemetery and of taking part thereof for street purposes as a widening of McKenzie Street:

And whereas the Petone Borough Council has offered as compensation for such works to take over responsibility for the future upkeep of the said cemetery:

And whereas the Roman Catholic Archbishop of Wellington is willing to accept such offer of compensation:

And whereas it is expedient that the said headstones, monuments, and grave surrounds should be removed and that the said piece of land, other than that part to be taken for street purposes, be levelled and laid out in lawns with ornamental trees, shrubs, and gardens:

And whereas the Petone Borough Council and the Roman Catholic Archbishop of Wellington have no power without legislation to give effect to all their wishes.

1 Short Title

This Act may be cited as the Petone Borough Council Empowering Act 1956.

2 Interpretation

In this Act, unless the context otherwise requires,—

Archbishop means the Roman Catholic Archbishop of Wellington

the balance of the said piece of land means the said piece of land excluding therefrom the part described in the Schedule

Corporation means the Corporation of the Mayor, Councilors, and Citizens of the Borough of Petone

Council means the Petone Borough Council

the said piece of land means the above-described land comprised in Special Crown Grant Number 82.

3 Cemetery deemed closed

The cemetery on the said piece of land shall, as from the passing of this Act, be deemed to have been closed in accordance with the provisions of the Cemeteries Act 1908, and thenceforth, notwithstanding the provisions of the said Act, no further interments of human remains shall take place therein.

4 Part vested in Corporation for street purposes

That portion of the said piece of land described in the Schedule is hereby vested in the Corporation for the purposes of a street, freed and discharged from all rights or easements of burial, and

freed and discharged from any further obligation on the part of the Archbishop to comply with the trust upon which the said piece of land has hitherto been vested in him.

5 Power to lay drain through cemetery

The Council is hereby empowered to lay a drain through the balance of the said piece of land.

6 Land to be maintained as cemetery

The Council shall, subject to the provisions of this Act, maintain and keep in a proper state of repair and condition as a Roman Catholic cemetery the said piece of land or such part or parts thereof as is or are not for the time being actually being utilised by the Council for street purposes as authorised by this Act.

7 Reinterment of human remains disturbed

Wherever the operations of the Council necessary to construct a street or street works or to lay the said drain on the said piece of land shall interfere with or disturb any human remains on the said piece of land such remains shall be reinterred in a respectful and fitting manner in another portion of the said piece of land in a place approved by the Minister of Health and the Archbishop, and subject to such directions as the Minister of Health in his absolute discretion shall think fit to give to the Council in the matter.

8 Power to remove headstones, etc

The Council may and it is hereby empowered to remove all headstones, monuments, and grave surrounds at present erected on the said piece of land.

9 Council to keep record of burials

The Council 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 the position in the same of the graves of such persons, and such records shall be available for inspection at the office of the Council at all reasonable times.

10 Power to plant trees, etc

The powers conferred on the Council by sections 5, 7, and 8 shall be exercised within a period of 12 months from the passing of this Act, and the Council shall within a like period cause the balance of the said piece of land to be cleared of trees and levelled and planted in grass, trees, ornamental shrubs, and gardens and suitably fenced, and shall at all times thereafter keep the same in a neat, tidy, and befitting condition, and also shall cause to be erected thereon a memorial in accordance with the design agreed upon between the Archbishop and the Council and shall inscribe such memorial with the names of the persons known to be interred therein.

11 Restrictions on powers of Council

Nothing in this Act shall empower or be deemed to empower the Council to remove or disturb the remains of any persons buried in the said piece of land other than as provided by this Act, or to sell, lease, or divert the said piece of land to any purpose other than as provided by this Act, but the Council shall maintain the balance of the said piece of land at all times hereafter as a Roman Catholic cemetery as hereinbefore provided.

Schedule

Land vested for purposes of public street

All that part of the land comprised in Special Crown Grant No 82, being part Section 3, Hutt District, situated in Block XIII, Belmont Survey District, and containing 19.47 perches, more or less, bounded to the south 250 links by McKenzie Street, to the east 51.58 links by Korokoro Road, to the north 250 links by other part of the land comprised in the said Special Crown Grant, and to the west 51.58 links by Lot 3 on Deposited Plan Number 1365.

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Notes

1 *General*

This is a reprint of the Petone Borough Council Empowering Act 1956. The reprint incorporates all the amendments to the Act as at 26 October 1956, 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)*
