

**Reprint
as at 25 August 1969**



**St Joseph's Roman Catholic
Church (Upper Hutt) Burial
Ground Act 1969**

Private Act 1969 No 1
Date of assent 25 August 1969
Commencement 25 August 1969

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**An Act to close a burial ground in the grounds of St Joseph's
Roman Catholic Church situate at Pine Avenue, Upper Hutt, and**

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.

to authorise the Roman Catholic Archbishop of the Archdiocese of Wellington to remove all headstones, monuments, and grave surrounds erected in the said burial ground and to erect a monument common to all persons interred in the said burial ground

Preamble

Whereas the Roman Catholic Archbishop of the Archdiocese of Wellington 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 and there are at the present time a number of plots still remaining in the burial ground which have been sold or reserved but have not yet been utilised:

And whereas the Archbishop has 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 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 Archbishop wishes that the burial ground be closed but that, notwithstanding the closure, the body of a person may be buried in the same plot of ground as that of a deceased relative and the persons to whom the unused plots have been sold or reserved should still be entitled to use the said plots:

And whereas the Archbishop has no powers without legislation to give effect to his wishes.

1 Short Title

This Act may be cited as the St Joseph's Roman Catholic Church (Upper Hutt) Burial Ground Act 1969.

2 Interpretation

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

Archbishop means the Roman Catholic Archbishop of the Archdiocese of Wellington

burial ground means the burial ground forming part of St Joseph's Roman Catholic Church property, Pine Avenue, Upper Hutt, and containing one rood eight perches (1 r 8 p), more or less, being part Section 119 of the Hutt District, and being part of the land contained in certificate of title, Volume 348, folio 150 (Wellington Registry).

3 Closing burial ground

- (1) The burial ground is hereby closed as a burial ground and, except as provided in subsection (2) and in subsection (2) of section 42 of the Burial and Cremation Act 1964, no further burials shall take place therein.
- (2) Burials may continue to take place in any plot in the burial ground in which no burial has taken place if, before the commencement of this Act, that plot has been sold or reserved.
- (3) No person, other than the Archbishop, shall erect any headstone, monument, or grave surround over any plot in the burial ground.
- (4) Subject to the provisions of this Act, the burial ground shall be deemed to have been closed by a notice under section 41 of the Burial and Cremation Act 1964 and the provisions of that Act shall apply accordingly with all necessary modifications.
- (5) The control and management of the burial ground shall be deemed to have been vested in the Archbishop pursuant to section 44 of the Burial and Cremation Act 1964, as from the commencement of this Act.

4 Clearance of closed burial ground

- (1) The Archbishop is hereby authorised to remove all headstones, monuments, and grave surrounds erected on the burial ground.
- (2) Upon the removal of the headstones, monuments, and grave surrounds pursuant to subsection (1) the Archbishop shall—
 - (a) dispose of the headstones, monuments, and grave surrounds or, if he sees fit, as far as practicable cause them to be re-erected or replaced in some part of the burial ground set aside for the purpose:

- (b) cause to be compiled as complete a record as practicable of the names of all persons known to be buried in the burial ground and the position therein of the graves of such persons:
- (c) cause all such records to be available for inspection at the Roman Catholic Presbytery, 1 Pine Avenue, Upper Hutt, or at some other place in Upper Hutt, at all reasonable times:
- (d) cause the burial ground to be cleared, levelled, sown in grass and planted with trees and shrubs and at all times thereafter kept in a tidy condition:
- (e) cause to be erected on the burial ground a memorial inscribed with the names of the persons known to be buried therein.

5 Remains not to be removed and land not to be used except as a closed burial ground

Nothing in this Act shall empower the Archbishop to remove or disturb the remains of any person buried in the burial ground, or to dispose of the burial ground or, except as provided in subsection (2) of section 3 of this Act or in subsection (2) of section 42 of the Burial and Cremation Act 1964, to use the burial ground other than as a closed burial ground.

6 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 St Joseph's Roman Catholic Church (Upper Hutt) Burial Ground Act 1969. The reprint incorporates all the amendments to the Act as at 25 August 1969, 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)*
