

**Reprint
as at 1 April 1965**



**St Mary's Church (Karori) Burial
Ground Act 1963**

Private Act 1963 No 4
Date of assent 25 October 1963
Commencement 25 October 1963

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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 St Mary's Church Burial Ground on the grounds of St Mary's Church (Karori), situate at the corner of Main Road and Fancourt Street, Karori, in the City of Wellington; to authorise the extension of St Mary's Church (Karori) over part of the burial ground, the removal and reinterment of certain human remains therein, the removal of headstones, monuments, and grave surrounds therein, the levelling and laying of drives and planting of the ground so affected and the erection of a monument common to persons interred in the said burial ground

Preamble

Whereas the Wellington Diocesan Board of Trustees incorporated under the Charitable Trusts Act 1957 is registered as the proprietor of an estate in fee simple in all that piece of land hereinafter described:

And whereas part of the said piece of land has been used as a burial ground:

And whereas St Mary's Church (Karori) is erected on another part of the said piece of land and it is desired to extend the Church across part of the land used as a burial ground:

And whereas by the St Mary's Church Burial Ground (Karori) Closing Order 1963 published in the *Gazette* of 18 April 1963, at page 523, and made pursuant to the Cemeteries Act 1908, it was ordered that the burial ground should be closed and burials therein discontinued from 31 October 1963:

And whereas the description of the area of the burial ground in the said Order in Council was incorrect by reason of the fact that it included the land occupied by St Mary's Church (Karori) as well as the land used as a burial ground and it is accordingly desired to revoke the said Order in Council:

And whereas the Wellington Diocesan Board of Trustees has experienced difficulty in keeping the graves, headstones, monuments, and grave surrounds in the burial ground in a neat and tidy condition:

And whereas it is expedient that the said headstones, monuments, and grave surrounds should be removed and that the part of the burial ground not covered by extensions of the

Church should be levelled and laid out in drives, pathways, lawns, and gardens with ornamental shrubs:

And whereas the trustees have no power without legislation to carry out all their wishes.

1 Short Title

This Act may be cited as the St Mary's Church (Karori) Burial Ground Act 1963.

2 Interpretation

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

the burial ground means the area used as a burial ground of the following property, namely, all that piece of land being part of Section 35, Karori District, being also Lots 9 and 10 on Deposited Plan Number 7310, part of Lot 1 on Deposited Plan Number 7120 and being the land comprised and described in certificate of title, Volume 574, folio 252, Wellington Registry

the trustees means the Wellington Diocesan Board of Trustees incorporated under the Charitable Trusts Act 1957.

3 Closing burial ground

Notwithstanding the provisions of the Cemeteries Act 1908 but subject to the provisions of this Act no further interments of human remains shall take place in the burial ground after 31 October 1963.

4 Power to extend Church and reinter remains

Notwithstanding the provisions of the Burial and Cremation Act 1964, extensions to St Mary's Church (Karori) approved by the Minister of Health and the Bishop of Wellington may from time to time be erected over parts of the burial ground, and if the construction of any such extensions shall interfere with or disturb any human remains in the burial ground such remains shall be reinterred by the trustees in a respectful and fitting manner in another portion of the burial ground in a place approved by the Minister of Health and the Bishop of Wellington and subject to such directions as the Minister of Health in

his absolute discretion shall think fit to give to the trustees in the matter.

Section 4: amended, on 1 April 1965, pursuant to section 61(1) of the Burial and Cremation Act 1964 (1964 No 75).

5 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 burial ground.

6 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 burial ground 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.

7 Common memorial to be erected

When any human remains are reinterred pursuant to section 4 or headstones, monuments, or grave surrounds are removed pursuant to section 5, the trustees shall as soon as conveniently may be thereafter cause the names and dates of death of the persons whose graves are thereby affected to be inscribed on a suitable memorial erected by the trustees either on the burial ground or on some part of St Mary's Church (Karori).

8 Land to be laid out and kept tidy

As soon as conveniently may be after the removal of headstones, monuments, and grave surrounds pursuant to section 5 the trustees shall cause the area of land from which the same are removed and which is not occupied by extensions to St Mary's Church (Karori) to be levelled and laid out in drives, pathways, lawns, and gardens with ornamental trees and shrubs and at all times thereafter kept in a tidy condition.

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

Save as hereinbefore provided nothing in this Act shall empower or be deemed to empower the trustees to remove or dis-

turb the remains of any persons buried in the burial ground or to dispose of the burial ground or to use the same for any purpose other than as a closed burial ground.

10 Order in Council revoked

The St Mary's Church Burial Ground (Karori) Closing Order 1963 is hereby revoked.

11 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 Mary's Church (Karori) Burial Ground Act 1963. The reprint incorporates all the amendments to the Act as at 1 April 1965, 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)*

Burial and Cremation Act 1964 (1964 No 75): section 61(1)
