

Reprint  
as at 19 December 1968



## Warkworth Anglican Burial Ground Act 1968

Private Act	1968 No 7
Date of assent	18 December 1968
Commencement	18 December 1968

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**An Act to provide for the cancellation of a trust in respect of certain land held by the General Trust Board of the Diocese of Auckland for a cemetery; and for matters incidental thereto**

### Preamble

Whereas the General Trust Board of the Diocese of Auckland (hereinafter referred to as the **Board**) is registered as proprietor of an estate in fee simple in all that parcel of land containing one (1) acre twenty-six (26) perches, more or less, being Lot 1 on

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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.

Deposited Plan 59867 and being part Allotment 67 of the Parish of Mahurangi and being all the land comprised and described in certificate of title, Volume 15A, folio 372 (North Auckland Registry) (hereinafter referred to as the **land first described**):

And whereas the Board is registered as proprietor of an estate in fee simple in all that parcel of land containing one (1) acre one (1) rood thirteen decimal six (13.6) perches, more or less, being Lot 2 on Deposited Plan 59867 and being part Allotment 67 of the Parish of Mahurangi and being all the land comprised and described in certificate of title, Volume 15A, folio 373 (North Auckland Registry) (hereinafter referred to as the **land secondly described**):

And whereas under and by virtue of Conveyance No 6772B dated 3 August 1872 John Reid Brown of Tapu, settler, did convey the said land unto Charles Heaphy, VC of Auckland, Theophilus Kissling, and James Wathen Preece both of Auckland, Esquires, for and on behalf of the General Synod in trust for and to permit and suffer the same to be used as a place for the burial of the dead according to the rites and ceremonies of the Church of England:

And whereas the Board is now as hereinbefore recited the registered proprietor of the land first described and of the land secondly described and holds both portions of land upon the same trusts created in and by the aforementioned Conveyance No 6772B:

And whereas interments of the dead have for many years been carried out on the land secondly described:

And whereas the Warkworth Town Council (hereinafter called the **Council**) has recently published the statutory 5-yearly review of its operative district scheme:

And whereas on the District Map relating to the said 5-yearly review the land first described is zoned “residential” and the land secondly described is designated as “cemetery”:

And whereas it has been agreed (inter alia) between the Board and the Council—

- (a) that legislation be promoted uplifting the trust hereinbefore described insofar as it applies to the land first described; and
- (b) that all rates levied on the land first described up to and including a date hereinafter defined shall be remitted; and
- (c) that it is not desirable that the land first described be utilised for the interment of the dead.

## **1 Short Title**

This Act may be cited as the Warkworth Anglican Burial Ground Act 1968.

## **2 Survey**

The Board will have a survey made of the land first described into residential sections in accordance with the Council’s ordinances.

**3 Trust to be cancelled on deposit of plan**

Upon approval being given by the Council to the plan of subdivision the said plan shall forthwith be lodged in the Land Transfer Office at Auckland and upon the date of deposit of such plan the trust hereinbefore described insofar as it affects the land first described shall be deemed to be cancelled.

**4 Unpaid rates remitted**

Upon such date of deposit as aforesaid all unpaid rates levied by the Council for the years 1964–65, 1965–66, 1966–67, and 1967–68 upon the land first described shall be remitted.

**5 Registration**

The District Land Registrar for the Land Registration District of Auckland is hereby authorised and directed to make such entries in the register books and do all such other things as may be necessary to give effect to the foregoing provisions of this Act.

**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 Warkworth Anglican Burial Ground Act 1968. The reprint incorporates all the amendments to the Act as at 19 December 1968, 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).