

**Reprint
as at 12 September 1974**



**Whangarei Borough Council
Empowering Act 1962**

Local Act 1962 No 3
Date of assent 15 August 1962
Commencement 15 August 1962

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**An Act to empower the Whangarei Borough Council to remove
all headstones, monuments, and grave surrounds erected in**

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.

the Kioreroa Cemetery situated at Otaika in the County of Whangarei, to level and plant the ground so affected, and to keep a permanent record of the names of all persons interred in the said cemetery

Title: amended, on 12 September 1974, by section 2 of the Whangarei City Council Empowering Amendment Act 1974 (1974 No 5 (L)).

Preamble

Whereas by an Order in Council dated 26 July 1939, and published in the *Gazette* of 3 August in that year, it was ordered and directed that the Kioreroa Public Cemetery, being the land described in the Schedule, should from and after 1 September 1944, be closed and vested in the Whangarei Borough Council:

And whereas the Council holds the said land as a public reserve under the provisions of section 78 of the Cemeteries Act 1908:

And whereas the Council has experienced difficulty in keeping the land and the headstones, monuments, and grave surrounds therein in a neat and tidy condition:

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

And whereas it is desirable that a permanent record be kept of the names of all persons interred in the said cemetery:

And whereas the Council has no power without legislation to give effect to its wishes in respect of the land.

Preamble: amended, on 12 September 1974, by section 3 of the Whangarei City Council Empowering Amendment Act 1974 (1974 No 5 (L)).

1 Short Title

This Act may be cited as the Whangarei Borough Council Empowering Act 1962.

2 Interpretation

In this Act, unless the context otherwise requires,—

Council means the Whangarei Borough Council

the said land means the land described in the Schedule.

3 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 land.

4 Council to keep a 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 land and the position in the same of the graves of such persons, and such records shall be available at the office of the Council at all reasonable times.

5 Power to plant trees

The Council shall, as soon as conveniently may be after the removal of the said headstones, monuments, and grave surrounds, cause the said land to be cleared of trees and levelled and planted in grass, trees, ornamental shrubs, and gardens and at all times thereafter kept in a tidy condition and also shall cause to be kept in a specially prepared volume of a suitable type a permanent record of the names of all persons known to be interred therein, such volume to be kept at the Municipal Chambers of the Whangarei City Council and to be available for inspection free of charge by all persons during ordinary office hours.

Section 5: amended, on 12 September 1974, by section 4 of the Whangarei City Council Empowering Amendment Act 1974 (1974 No 5 (L)).

6 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 land, or to sell or lease the said land, or to divert it to any purpose not specified in this Act.

7 No further burials on land

Notwithstanding anything contained in section 74 of the Cemeteries Act 1908, after the passing of this Act no further interments of human remains shall take place within the said land.

Schedule

All that area in the North Auckland Land District, Whangarei County, containing by admeasurement 6 acres 3 roods 36 perches, more or less, being Section 1, Block XVI, Purua Survey District: as the same is more particularly delineated on the plan marked L and S 58801 deposited in the Head Office of the Department of Lands and Survey at Wellington and thereon bordered red. (North Auckland SO Plan 24823.)

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Notes

1 *General*

This is a reprint of the Whangarei Borough Council Empowering Act 1962. The reprint incorporates all the amendments to the Act as at 12 September 1974, 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)***

Whangarei City Council Empowering Amendment Act 1974 (1974 No 5 (L))
