

**Reprint  
as at 31 August 1963**



**Waipawa County Council  
Empowering Act 1963**

Local Act 1963 No 7  
Date of assent 30 August 1963  
Commencement 30 August 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 a cemetery at Tikokino in the County of Waipawa, and to empower the Waipawa County Council to remove all headstones, monuments, and grave surrounds, to level and plant the ground, and to erect a monument common to all persons interred in the said cemetery**

**Preamble**

Whereas part of Agricultural Section 38, Tikokino, in the County of Waipawa, has in the past been used as a cemetery:

And whereas no interment of human remains has taken place therein for many years, and 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 it is difficult to keep the land and the headstones, monuments, and grave surrounds 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 permitted therein, and that the land should be vested in the Corporation of the County as a public reserve:

And whereas it is expedient that the said headstones, monuments, and grave surrounds should be removed and the land levelled and laid out in grass:

And whereas it is desirable that a suitable memorial should be erected on the land:

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

**1 Short Title**

This Act may be cited as the Waipawa County Council Empowering Act 1963.

**2 Interpretation**

In this Act, unless the context otherwise requires,—

**Council** means the Waipawa County Council

**the said piece of land** means that portion of Agricultural Section 38, Tikokino, described in the Schedule.

**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 interment of human remains shall take place therein.

**4 Land vested in Council as a public reserve**

The said piece of land is hereby vested in the Corporation of the County of Waipawa as a public reserve for the purposes hereinafter appearing.

**5 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.

**6 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.

**7 Power to level, plant, and erect memorial**

The Council shall, within a period of 12 months from the passing of this Act, exercise the powers conferred on it under section 5, and shall cause the said piece of land to be cleared and levelled, sown in grass, suitably fenced, and planted with such trees or shrubs as it may consider necessary, and shall at all times thereafter keep the same in a neat, tidy, and befitting condition, and shall also cause to be erected thereon a memorial tablet inscribed with the names of the persons known to be interred therein.

**8 Restriction 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 in this Act, or to sell, lease, or divert the said piece of land to any purpose other than as provided by this Act.

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**Schedule**

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**Land vested as a public reserve**

All that area in the Waipawa County, Hawke's Bay Land District, containing by admeasurement 1 rood 26.7 perches, more or less, being part Agricultural Section 38, Tikokino, situated in Block XIII, Maraekakaho Survey District: as the same is delineated on the plan numbered 5269, deposited in the Office of the Chief Surveyor, Napier, and thereon edged orange.

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**Notes****1 *General***

This is a reprint of the Waipawa County Council Empowering Act 1963. The reprint incorporates all the amendments to the Act as at 31 August 1963, 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)*

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