



ANALYSIS

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1964, No. 3—*Private*

An Act to close the burial ground on the grounds of St. John's Anglican Church, Johnsonville, in the City of Wellington; and to empower The Wellington Diocesan Board of Trustees 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 burial ground
 [13 November 1964]

WHEREAS The Wellington Diocesan Board of Trustees, a body incorporated pursuant to the provisions of the Charitable Trusts Act 1957, 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 whereas the Trustees have 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 said 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 Trustees have no power without legislation to give effect to their wishes:

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title—This Act may be cited as the *St. John's Anglican Church (Parochial District of Johnsonville) Burial Ground Act 1964*.

2. Interpretation—In this Act, unless the context otherwise requires,—

“The said piece of land” means the burial ground forming part of the *St. John's Anglican Church* property on the corner of *Bassett Road* and *Middleton Road*, *Johnsonville*, in the *City of Wellington*, being part of section 13, *Porirua District*, *Block XI*, *Belmont Survey District*, containing three roods twenty-eight perches and four-tenths of a perch, more or less, and being *Lot 2* on *Land Transfer Plan No. 26113*, and being part of the land comprised and described in certificate of title, *Volume 623*, folio 79, *Wellington Registry*:

“The Trustees” means *The Wellington Diocesan Board of Trustees* duly incorporated pursuant to the *Charitable Trusts Act 1957*.

3. Closing burial ground—The burial ground 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 that Act, no further interment of bodies shall take place therein.

4. 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 said piece of land.

5. 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 said piece of land 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.

6. Land to be laid out and kept tidy and common memorial to be erected—The Trustees shall, as soon as conveniently may be after the removal of the said headstones, monuments, and grave surrounds, cause the said piece of land to be levelled and planted in grass, trees, and shrubs, and shall, at all times thereafter, cause the said piece of land to be kept in a tidy condition, and also shall cause to be erected on the said piece of land a suitable memorial inscribed with the names of the persons known to be interred therein.

7. Remains not to be removed nor land used except as closed burial ground—Nothing herein shall empower or be deemed to empower the Trustees to remove or disturb the remains of any persons buried in the said piece of land nor to dispose of the said piece of land nor to use the same for any purpose other than as a closed burial ground.

8. Private Act—This Act is hereby declared to be a private Act.
