



ANALYSIS

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1969, No. 1—*Private*

An Act to close a burial ground in the grounds of St. Joseph's Roman Catholic Church situate at Pine Avenue, Upper Hutt, and to authorise the Roman Catholic Archbishop of the Archdiocese of Wellington to remove all headstones, monuments, and grave surrounds erected in the said burial ground and to erect a monument common to all persons interred in the said burial ground [25 August 1969]

WHEREAS the Roman Catholic Archbishop of the Archdiocese of Wellington 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 there are at the present time a number of plots still remaining in the burial ground which have been sold or reserved but have not yet been utilised: And whereas the Archbishop has 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 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 Archbishop wishes that the burial

Inset

ground be closed but that, notwithstanding the closure, the body of a person may be buried in the same plot of ground as that of a deceased relative and the persons to whom the unused plots have been sold or reserved should still be entitled to use the said plots: And whereas the Archbishop has no powers without legislation to give effect to his wishes:

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

1. Short Title—This Act may be cited as the St. Joseph's Roman Catholic Church (Upper Hutt) Burial Ground Act 1969.

2. Interpretation—In this Act, if not inconsistent with the context,—

“The burial ground” means the burial ground forming part of St. Joseph's Roman Catholic Church property, Pine Avenue, Upper Hutt, and containing one rood eight perches (1 r. 8 p.), more or less, being part Section 119 of the Hutt District, and being part of the land contained in certificate of title, Volume 348, folio 150 (Wellington Registry):

“The Archbishop” means the Roman Catholic Archbishop of the Archdiocese of Wellington.

3. Closing burial ground—(1) The burial ground is hereby closed as a burial ground and, except as provided in subsection (2) of this section and in subsection (2) of section 42 of the Burial and Cremation Act 1964, no further burials shall take place therein.

(2) Burials may continue to take place in any plot in the burial ground in which no burial has taken place if, before the commencement of this Act, that plot has been sold or reserved.

(3) No person, other than the Archbishop, shall erect any headstone, monument, or grave surround over any plot in the burial ground.

(4) Subject to the provisions of this Act, the burial ground shall be deemed to have been closed by a notice under section 41 of the Burial and Cremation Act 1964 and the provisions of that Act shall apply accordingly with all necessary modifications.

(5) The control and management of the burial ground shall be deemed to have been vested in the Archbishop pursuant to section 44 of the Burial and Cremation Act 1964, as from the commencement of this Act.

4. Clearance of closed burial ground—(1) The Archbishop is hereby authorised to remove all headstones, monuments, and grave surrounds erected on the burial ground.

(2) Upon the removal of the headstones, monuments, and grave surrounds pursuant to subsection (1) of this section the Archbishop shall—

- (a) Dispose of the headstones, monuments, and grave surrounds or, if he sees fit, as far as practicable cause them to be re-erected or replaced in some part of the burial ground set aside for the purpose:
- (b) Cause to be compiled as complete a record as practicable of the names of all persons known to be buried in the burial ground and the position therein of the graves of such persons:
- (c) Cause all such records to be available for inspection at the Roman Catholic Presbytery, 1 Pine Avenue, Upper Hutt, or at some other place in Upper Hutt, at all reasonable times:
- (d) Cause the burial ground to be cleared, levelled, sown in grass and planted with trees and shrubs and at all times thereafter kept in a tidy condition:
- (e) Cause to be erected on the burial ground a memorial inscribed with the names of the persons known to be buried therein.

5. Remains not to be removed and land not to be used except as a closed burial ground—Nothing in this Act shall empower the Archbishop to remove or disturb the remains of any person buried in the burial ground, or to dispose of the burial ground or, except as provided in subsection (2) of section 3 of this Act or in subsection (2) of section 42 of the Burial and Cremation Act 1964, to use the burial ground other than as a closed burial ground.

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