

[AS REPORTED FROM THE LOCAL BILLS COMMITTEE]

House of Representatives, 4 June 1975.

Words struck out by the Committee are shown in italics within bold round brackets, or with black rule at beginning and after last line; words inserted are shown in roman underlined with a double rule, or with double rule before first line and after last line.

Hon. Mr R. O. Douglas

MANUKAU CITY EMPOWERING (WOODSIDE CEMETERY)

[LOCAL]

ANALYSIS

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A BILL INTITULED

5 An Act to close the Woodside Methodist Cemetery, to establish a new closed cemetery and authorise the Manukau City Council to control and manage it, and to vest the same in the Corporation of the City of Manukau; to authorise the said Council to remove and reinter remains of bodies, and to vest part of the (*former*) closed cemetery in the said Corporation as street

10 WHEREAS the land described in the First Schedule to this Act is vested in trustees under the provisions of the Methodist Model Deed of New Zealand (*Act*) 1887 and part of the said land is reserved for the purposes of a public cemetery which (*is*) has been used as a denominational burial ground known as the Woodside Methodist Cemetery: And whereas the 15 Manukau City Council requires to take the part of the said

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2 *Manukau City Empowering (Woodside Cemetery)*

land described in the Third Schedule to this Act on which part of the **(cemetery) burial ground** is established for street: And whereas the said trustees and the Council have agreed, that it is expedient that the **(cemetery) burial ground** be closed and the remains of all bodies buried therein be removed 5 and reinterred in the part of the said land described in the Second Schedule to this Act to be established as a closed cemetery under the control and management of the Council; and that the parts of the said land described in the Second and Third Schedules be vested in the Corporation of the City 10 of Manukau as cemetery and as street respectively:

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 Manukau City 15 Empowering (Woodside Cemetery) Act 1975.

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

“Council” means the Manukau City Council:

“Corporation” means the body corporate called the 20 Mayor, Councillors, and Citizens of the City of Manukau:

“Monument” has the same meaning as in the Burial and Cremation Act 1964:

“Tablet” has the same meaning as in the Burial and 25 Cremation Act 1964.

3. **Declaring cemetery to be closed**—(1) Notwithstanding the provisions of the Burial and Cremation Act 1964 or any other enactment, the **(cemetery) burial ground** established on the land described in the First Schedule to this Act is hereby 30 declared to be **(closed as if it had been)** a closed cemetery as if it was a cemetery closed under section 41 of that Act.

(2) No further burials shall take place in the said closed cemetery.

(3) The Manukau City Council is hereby authorised to 35 remove all monuments and tablets erected in the said closed cemetery and dispose of the same.

New

(4) Subject to sections 4 and 5 of this Act, sections 43 (2) and 44 (4) of the Burial and Cremation Act 1964 shall not apply to the said closed cemetery.

5 **4. Declaring land to be closed cemetery**—(1) Notwithstanding the provisions of the Burial and Cremation Act 1964 or any other enactment, the land described in the Second Schedule to this Act is hereby declared to be a cemetery as if it had been lawfully established as a cemetery under the provisions of that Act.

10 (2) The land described in the said Second Schedule is hereby vested in the Corporation for cemetery purposes, and the Council is hereby authorised to establish a cemetery thereon, to be known as the Woodside Methodist Cemetery.

15 (3) The Council shall, for the purposes of Part I of the Burial and Cremation Act 1964, have the control and management of the cemetery established by and under this section:

20 Provided that the design for the development of the cemetery shall be subject to the approval of the trustees of the Manurewa Methodist Church.

(4) Subject to the provisions of section (4 (2)) 5 (1) of this Act, the cemetery established by and under this section is declared to be a closed cemetery as if it had been closed under section 41 of the Burial and Cremation Act 1964.

25 **5. Removal of bodies**—(1) Notwithstanding anything in the Burial and Cremation Act 1964 or in any other enactment, but subject to such directions as may be notified to it by the Director-General of Health, the Council is hereby authorised to remove the remains of all bodies buried in the (cemetery) burial ground referred to in section 3 of this Act and reinter the same in a respectful and fitting manner in the cemetery established by and under section 4 of this Act.

30 (2) The Council shall cause to be compiled as complete a record as practicable of the names of all persons buried in the (cemetery) burial ground referred to in section 3 of this Act and shall cause to be erected in the cemetery established by and under section 4 of this Act a memorial containing those names, and reciting that the memorial is erected in memory of early settlers of the district.

6. Land declared to be street—(1) Notwithstanding the provisions of the Burial and Cremation Act 1964 or any other enactment, the land described in the Third Schedule to this Act is hereby declared to be public street vested in and held by the Corporation and under the control of the Council pursuant to section 170 of the Municipal Corporations Act 1954; and every person having any estate of interest in the said land shall be entitled to full compensation for the same from the Council, which compensation may be claimed and shall be determined in the manner provided by the Public Works Act 1928. 5 10

(2) When, in accordance with the provisions of this Act, the remains of all bodies buried in the (*cemetery*) burial ground existing on the land described in the First Schedule to this Act have been removed and reinterred, and all monuments and tablets erected on that land have been removed, and a memorial containing the names of the persons formerly buried there has been erected, the reservation of the said land for the purposes of a cemetery shall be cancelled and it shall thereafter be freed from all trusts, reservations, and restrictions heretofore affecting it, and, notwithstanding the provisions of the Burial and Cremation Act 1964 or any other enactment or rule of law, the Council may construct and form the land described in the Third Schedule to this Act as public street. 15 20 25

Struck Out

7. Powers of District Land Registrar—The District Land Registrar for the Land Registration District of North Auckland is hereby authorised and directed, on request by the Council and on payment of the appropriate fees, to deposit such plans, to make such entries in the register books, to issue such certificates of title, and to do all such other things as may be necessary to give effect to the provisions of this Act. 30

New

7. Powers of District Land Registrar—The District Land Registrar for the Land Registration District of North Auckland is hereby authorised, on the deposit by him of such plans as he may require, and on the request of the Council, to issue in the name of the Corporation certificates of title for any land vested in the Corporation by virtue of this Act and to do all such other things as may be necessary to give effect to the provisions of this Act. 35 40

SCHEDULES

FIRST SCHEDULE

Section 3 (1)

ALL that piece of land in the North Auckland Land District, Manukau City, situated in Block XI, Otahuhu Survey District, containing 7748 square metres, more or less; being Lot 1, D.P. 51122, being part Clendons Grant; comprised in all certificate of title, Volume 526, folio 93. As shown on plan numbered S.O. 49563 lodged in the office of the Chief Surveyor, Auckland, and thereon marked A, B, and C.

SECOND SCHEDULE

Section 4 (1)

ALL that piece of land in the North Auckland Land District, Manukau City, situated in Block XI, Otahuhu Survey District, containing 593 square metres, more or less; being part Lot 1, D.P. 51122, being part Clendons Grant; comprised in part certificate of title, Volume 526, folio 93. As shown on plan numbered S.O. 49563 lodged in the office of the Chief Surveyor, Auckland, and thereon marked B.

THIRD SCHEDULE

Section 6 (1)

ALL that piece of land in the North Auckland Land District, Manukau City, situated in Block XI, Otahuhu Survey District, containing 1096 square metres, more or less; being part Lot 1, D.P. 51122, being part Clendons Grant; comprised in part certificate of title, Volume 526, folio 93. As shown on plan numbered S.O. 49563 lodged in the office of the Chief Surveyor, Auckland, and thereon marked A.