

[AS REPORTED FROM THE LOCAL BILLS COMMITTEE]

House of Representatives, 1 October 1968.

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.

Mr Whitehead

NELSON CITY EMPOWERING

[LOCAL]

ANALYSIS

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A BILL INTITULED

5 **An Act to close a burial ground at Stoke in the City of Nelson and to empower the Nelson City Council to disinter and reinter elsewhere the human remains buried there, and to empower the said Council to remove and re-elect elsewhere or otherwise dispose of all headstones, monuments, and grave surrounds now in the said burial ground and to validate the sale to the Council of the land on which the burial ground is situated**

10 WHEREAS the Mayor, Councillors, and Citizens of the City of Nelson are registered as proprietors of all those parcels of land situate at Stoke first containing one rood and ten decimal nine perches (1 rd 10.9 ps), more or less, being part of Section 57, District of Suburban South, and being the balance of the
15 land comprised in certificate of title, Volume 59, folio 271, Nelson Registry; and secondly containing eight perches (8 ps), more or less, being Section 3, Block III, Waimea Survey District, and being all the land comprised in certificate of title, Volume 70, folio 62, Nelson Registry: And whereas
20 there are erected on the said lands two buildings formerly

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used as the Stoke Methodist Church and Church Hall and part of the said lands was used as a burial ground: And whereas, the said lands being no longer required or used for Church purposes, the Trustees under the Wesleyan Methodist Church Property Trust Act 1887 sold them to the Mayor, Councillors, and Citizens of the City of Nelson: And whereas doubts have arisen as to the authority of the Trustees to sell the said lands and it is desirable to validate the sale: And whereas the Nelson City Council desires to erect further buildings for civic purposes on that part of the land at present occupied by graves: And whereas the said burial ground has not been closed pursuant to the provisions of section 41 of the Burial and Cremation Act 1964, and it is expedient that the said burial ground *(be closed)* be no longer subject to the provisions of that Act and the human remains therein buried be disinterred and reinterred in the Seaview Cemetery at Stoke, and the headstones, monuments, and grave surrounds removed: 5 10 15

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows: 20

1. Short Title—This Act may be cited as the Nelson City Empowering Act 1968.

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

“Corporation” means *(the Corporation of)* the Mayor, Councillors, and Citizens of the City of Nelson; 25

“Council” means the Nelson City Council;

“The said lands” means the above described land comprised in certificates of title, Volume 59, folio 271, and Volume 70, folio 62, Nelson Registry. 30

Struck Out

3. Burial ground deemed closed—The burial ground on the said lands shall as from the passing of this Act be deemed to have been closed in accordance with the provisions of the Burial and Cremation Act 1964, and thenceforth, notwithstanding the provisions of the said Act, no further interments of human remains shall take place therein. 35

New

3. Trusts removed—The said lands are hereby declared to be vested in the Corporation freed and discharged from all trusts, reservations, and restrictions affecting the same at the commencement of this Act. 40

4. **Power to disinter human remains**—Notwithstanding anything to the contrary in the Burial and Cremation Act 1964, the Council (*may and is hereby empowered to*) shall as far as is practicable disinter all the human remains buried in the said lands, and (*to*) shall reinter them in a fitting and respectful manner in the Seaview Cemetery at Stoke. (*and subject to*) In disinterring and reintering those remains the Council shall comply with such directions as the Minister of Health in his absolute discretion shall think fit to give the Council in the matter.

5. **Power to remove headstones, etc.**—(1) The Council (*may and is hereby empowered to*) shall remove all headstones, monuments, and grave surrounds at present erected on the said lands, and,

Struck Out

to either re-erect such headstones and monuments should the relatives so desire it in Seaview Cemetery aforesaid or otherwise dispose of them in a fitting and respectful manner.

New

subject to subsection (2) of this section, shall either re-erect such headstones and monuments in the Seaview Cemetery or otherwise dispose of them in a fitting and respectful manner.

(2) If any relative of any deceased person whose remains are disinterred pursuant to this Act so requires the Council shall re-erect in the Seaview Cemetery, the headstone or monument that marked the deceased person's grave.

Struck Out

6. **Memorial tablet to be erected**—The Council shall cause to be erected on the said lands a memorial tablet inscribed with the names of the persons previously interred therein, and shall cause to be compiled as complete a record as practicable of the names of all persons whose remains are removed as aforesaid and of the names of the persons who were next of kin at their deaths.

*New***6. Memorial tablet to be erected and records compiled—**

(1) The Council shall erect on the said lands a memorial tablet inscribed with the names of the persons interred therein before the passing of this Act.

(2) The Council shall cause to be compiled as complete a record as practicable of the names of all persons whose remains are disinterred pursuant to this Act and of the names of all persons who were next-of-kin at their deaths. The Council shall ensure that the record is available for inspection at the offices of the Council at all reasonable times.

Struck Out

7. Land to cease to be a closed burial ground—Upon the disinterment and removal of all the human remains from the said lands the said lands shall cease to be a closed burial ground within the meaning of the Burial and Cremation Act 1964.

8. Legalisation of sale by Church Trustees to the Corporation—*(Whereas to remove any doubts about the power of the Trustees under the Wesleyan Methodist Church Property Trust Act 1887 and the Cemeteries Act 1908 to sell the said lands to the Corporation it is hereby declared that)* Notwithstanding the provisions of sections 13 and 57 of the Cemeteries Act 1908 the sale of the said lands to the Corporation shall be deemed to have been lawfully made and the same is hereby validated.