

[AS REPORTED FROM THE COMMITTEE ON THE BILL]

House of Representatives, 14 August 1969

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 Bailey

ST. JOSEPH'S ROMAN CATHOLIC CHURCH (UPPER
HUTT) BURIAL GROUND

[PRIVATE]

ANALYSIS

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A BILL INTITULED

An Act to *(authorise the Roman Catholic Archbishop of Wellington to partially close a burial ground in the grounds of St. Joseph's Roman Catholic Church situate at Pine Avenue, Upper Hutt)* 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

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

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Burial Ground*

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 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 said piece of land*”) “The burial ground” means the burial ground forming part of St. Joseph's Roman Catholic Church property, Pine Avenue, Upper Hutt, (*being*) 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.

Struck Out

3. Closing burial ground—The said piece of land is hereby closed save and except for those plots which have been sold or reserved at the date of the coming into force of this Act.

New

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
5 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
10 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
15 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
20 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.

Struck Out

4. **Power to remove headstones, etc.**—The Archbishop may
25 and he is 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 Archbishop shall cause to be kept as complete a record as possible of the names of all
30 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 Roman Catholic Presbytery, 1 Pine Avenue, Upper Hutt, at all reasonable times.

6. **Land to be laid out and kept tidy and common memorial to be erected**—The Archbishop shall, as soon as conveniently
35 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 at all
40 times thereafter 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.

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Burial Ground

New

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— 5

(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: 10

(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: 15

(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: 20

(e) Cause to be erected on the burial ground a memorial inscribed with the names of the persons known to be buried therein. 25

Struck Out

7. Remains not to be removed nor land used except as closed burial ground—Nothing herein shall empower or be deemed to empower the Archbishop 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. 30

New

7. 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. 35 40

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