

*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 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 known as the Woodside Methodist Cemetery: And  
15 whereas the Manukau City Council requires to take the part of the said land described in the Third Schedule to this Act on which part of the cemetery is established for street: And whereas the said trustees and the Council have agreed, that it is expedient that the cemetery be closed and the remains of all bodies buried therein be removed and reinterred in the

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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 of Manukau as cemetery and as street respectively: 5

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 Empowering (Woodside Cemetery) Act 1975. 10

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

“Council” means the Manukau City Council:

“Corporation” means the body corporate called the Mayor, Councillors, and Citizens of the City of Manukau: 15

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

“Tablet” has the same meaning as in the Burial and Cremation Act 1964. 20

3. **Declaring cemetery to be closed**—(1) Notwithstanding the provisions of the Burial and Cremation Act 1964 or any other enactment, the cemetery established on the land described in the First Schedule to this Act is hereby declared to be closed as if it had been closed under section 41 of that Act. 25

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

(3) The Manukau City Council is hereby authorised to remove all monuments and tablets erected in the said cemetery and dispose of the same. 30

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. 35

(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.

(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:

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) 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.

**5. Removal of bodies**—(1) Notwithstanding anything in the Burial and Cremation Act 1964 or in any other enactment, the Council is hereby authorised to remove the remains of all bodies buried in the cemetery 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.

(2) The Council shall cause to be compiled as complete a record as practicable of the names of all persons buried in the cemetery 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.

(2) When, in accordance with the provisions of this Act, the remains of all bodies buried in the cemetery 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

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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. 5

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. 10  
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SCHEDULES

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Section 3 (1)

FIRST SCHEDULE

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.

Section 4 (1)

SECOND SCHEDULE

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.

Section 6 (1)

THIRD SCHEDULE

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.