

[AS REPORTED FROM THE LOCAL BILLS COMMITTEE]

House of Representatives, 14 August 1963

Words struck out by the Local Bills Committee are shown with black rule at beginning and after last line of struck out matter; words inserted are shown with double rule before first line and after last line of new matter.

Mr Harker

WAIPAWA COUNTY COUNCIL EMPOWERING

[LOCAL]

ANALYSIS

Title	4. Power to remove headstones, etc.
Preamble	5. Council to keep record of burials
1. Short Title	6. Power to level, plant, and erect memorial
2. Interpretation	7. Restriction on powers of Council
3. Cemetery deemed closed	

A BILL INTITULED

Struck Out

5 **An Act to empower the Waipawa County Council to close a cemetery; remove all headstones, grave surrounds, and monuments; level and plant the area; and to erect a monument common to all persons interred in a cemetery at Tikokino in the County of Waipawa, being part Agricultural Section 38, Tikokino, situated in Block XIII, Maraekakaho Survey District**

10 *New*

15 **An Act to close a cemetery at Tikokino in the County of Waipawa, and to empower the Waipawa County Council to remove all headstones, monuments, and grave surrounds, to level and plant the ground, and to erect a monument common to all persons interred in the said cemetery**

Struck Out

WHEREAS all that piece of land situate in the County of Waipawa, containing one rood twenty-six perches and seven-tenths of a perch, and being part Agricultural Section 38, Tikokino, situated in Block XIII, Maraekakaho Survey District, and being more particularly that piece of land bordered orange on Survey Office Plan No. 5269, has in the past been used as a cemetery: And whereas no interment of human remains has taken place in this cemetery for many years: And whereas the said cemetery is overgrown and it is difficult to keep the said piece of land and the headstones, monuments, and grave surrounds in a neat and tidy condition: And whereas it is expedient that the said headstones, monuments and grave surrounds should be removed and the said piece of land be levelled and laid out in grass and a memorial erected thereon containing the names of persons known to be interred therein: And whereas the Waipawa County Council have no power to give effect to the above without legislation:

New

WHEREAS part of Agricultural Section 38, Tikokino, in the County of Waipawa, has in the past been used as a cemetery: And whereas no interment of human remains has taken place therein for many years, and no further interments are likely to take place therein: And whereas the said cemetery has not been closed pursuant to the provisions of the Cemeteries Act 1908: And whereas the said cemetery is overgrown and it is difficult to keep the land and the headstones, monuments, and grave surrounds in a neat and tidy condition: And whereas it is expedient that the said cemetery should be closed and no further interment of human remains permitted therein, and that the land should be vested in the Corporation of the County as a public reserve: And whereas it is expedient that the said headstones, monuments, and grave surrounds should be removed and the land levelled and laid out in grass: And whereas it is desirable that a suitable memorial should be erected on the land: And whereas the County Council has no power without legislation to give effect to its wishes in respect of the land:

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 Waipawa County Council Empowering Act 1963.

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

5 “Council” means the Waipawa County Council:

Struck Out

“The said piece of land” means the above-described land.

New

10 “The said piece of land” means that portion of Agricultural Section 38, Tikokino, described in the Schedule to this Act.

3. **Cemetery deemed closed**—The cemetery on the said piece of land shall, as from the passing of this Act, be deemed to have been closed in accordance with the provisions of the
15 Cemeteries Act 1908 and thenceforth, notwithstanding the provisions of the said Act, no further interment of human remains shall take place therein.

New

20 **3A. Land vested in Council as a public reserve**—The said piece of land is hereby vested in the Corporation of the County of Waipawa as a public reserve for the purposes hereinafter appearing.

4. **Power to remove headstones, etc.**—The Council may and it is hereby empowered to remove all headstones, monuments, and grave surrounds at present erected on the said
25 piece of land.

5. **Council to keep record of burials**—The Council shall cause to be kept as complete a record as possible of the names of all persons known to be buried in the said piece
30 of land and the position in the same of the graves of such persons, and such records shall be available for inspection at the office of the Council at all reasonable times.

6. **Power to level, plant, and erect memorial**—The Council shall, within a period of twelve months from the passing of
35 this Act, exercise the powers conferred on it under section 4 of this Act, and shall cause the said piece of land to be cleared and levelled, sown in grass, suitably fenced, and

planted with such trees or shrubs as it may consider necessary, and shall at all times thereafter keep the same in a neat, tidy, and befitting condition, and shall also cause to be erected thereon a memorial tablet inscribed with the names of the persons known to be interred therein.

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7. Restriction on powers of Council—Nothing in this Act shall empower or be deemed to empower the Council to remove or disturb the remains of any persons buried in the said piece of land other than as provided in this Act, or to sell, lease, or divert the said piece of land to any purpose other than as provided by this Act.

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New

SCHEDULE

Section 2.

LAND VESTED AS A PUBLIC RESERVE

ALL that area in the Waipawa County, Hawke's Bay Land District, containing by admeasurement 1 rood 26·7 perches, more or less, being part Agricultural Section 38, Tikokino, situated in Block XIII, Maraekakaho Survey District: as the same is delineated on the plan numbered 5269, deposited in the Office of the Chief Surveyor, Napier, and thereon edged orange.