



ANALYSIS

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1981, No. 1—*Private*

**An Act to authorise the Trustees under the Methodist Model Deed of New Zealand 1887 of the Methodist Cemetery Withells Road, Christchurch, to remove and reinter remains of bodies and to sell and dispose of certain land and to exercise certain other powers** [17 June 1981]

WHEREAS the land more particularly hereinafter described is vested in Trustees under the provisions of the Methodist Model Deed of New Zealand 1887 and the said land has been used as a denominational burial ground known as The Withells Road Methodist Cemetery: And whereas there has been no interment in the said burial ground for over 80 years: And whereas the burial ground was closed as a cemetery on the 28th day of February 1975: And whereas the said burial ground has fallen into disuse and is unsightly and is situated in a residential quarter of the County of Waimairi and it is in the public interest that the remains buried therein be transferred to another burial ground: And whereas it is desirable that the said Trustees shall be empowered to sell the said burial ground and to apply the proceeds thereof in payment of the costs and expenses in connection with the promotion of this Act and the cost of transferring the remains as mentioned before and to apply any surplus for the benefit of the

Methodist Church of New Zealand: And whereas the powers requisite to enable the said Trustees to sell the said burial ground and apply the proceeds as aforesaid are attainable only by legislation:

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 Methodist Church Withells Road Cemetery Empowering Act 1981.

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

“Methodist Church” means the Methodist Church of New Zealand:

“Burial ground” means all that parcel of land containing 988 square metres or thereabouts, situated in Block X, Christchurch Survey District, being Lot 24, Deposited Plan 42097, and being all the land comprised in certificate of title Volume 20B, folio 1260 (Canterbury Registry), subject to Building Line Restriction imposed by Resolution 218413/1:

“Trustees” means the Trustees of the burial ground under the provisions of the Methodist Model Deed of New Zealand 1887.

**3. Removal of remains**—(1) Notwithstanding anything to the contrary in the Burial and Cremation Act 1964 or in any other enactment or in any rule of law, but subject to the provisions of this section and of the Historic Places Act 1980, the Trustees are hereby empowered to remove the remains of those deceased persons who have been buried in the burial ground, and any monuments, headstones, or other memorials, and reinter the remains in a respectful and fitting manner in another cemetery or burial ground within the meaning of the Burial and Cremation Act 1964, subject to the provisions of that Act and to such directions as may be notified to the Trustees by the Minister of Health.

(2) The Trustees shall cause to be erected in the cemetery or burial ground in which the said remains are reinterred at least one monument, headstone, or other memorial inscribed with the names of the persons known to have been reinterred.

(3) In arranging for the removal and reinterment of the said remains and for the erection of any monument, headstone, or other memorial, the Trustees shall have regard to such wishes as may have been made known to them by any surviving relative or legal representative of any deceased person buried in the burial ground.

(4) The Trustees shall cause to be compiled as complete a record as is practicable of the names of all persons whose remains are so removed, and cause that record to be kept and to be available for inspection at the office of the Methodist Church in Christchurch.

**4. Power to sell and dispose of land**—When the remains of the bodies buried in the burial ground have been removed and reinterred in accordance with the provisions of this Act, it shall be lawful for the Trustees to sell and dispose of the burial ground by public auction or private contract at such time and upon such terms and conditions as they may think fit, and to transfer the same to a purchaser or purchasers freed and discharged of and from the said Trust, and to apply the proceeds of such sale first in payment of all costs and expenses of and incidental to the promotion of this Act and of all expenses of and incidental to the removal of and reinterment of the remains and the erection of such monuments, headstones, and other memorials as the Trustees consider fitting, and then in promoting further any such one or more of the purposes and activities of the Methodist Church as shall be determined by a resolution of the Conference of the Methodist Church.

**5. Protection of purchaser**—The receipt in writing of the Trustees shall effectually discharge the purchaser or other person paying any money in respect of such sale thereupon and from being bound to see or inquire as to the application thereof or being responsible for any loss, misapplication or non-application thereof.

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

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