



ANALYSIS

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1963, No. 4—*Private*

An Act to close the St. Mary's Church Burial Ground on the grounds of St. Mary's Church (Karori), situate at the corner of Main Road and Fancourt Street, Karori, in the City of Wellington; to authorise the extension of St. Mary's Church (Karori) over part of the burial ground, the removal and reinterment of certain human remains therein, the removal of headstones, monuments, and grave surrounds therein, the levelling and laying of drives and planting of the ground so affected and the erection of a monument common to persons interred in the said burial ground

[25 October 1963]

WHEREAS the Wellington Diocesan Board of Trustees incorporated under the Charitable Trusts Act 1957 is registered as the proprietor of an estate in fee simple in all that piece of land hereinafter described: And whereas part of the said piece of land has been used as a burial ground: And whereas St. Mary's Church (Karori) is erected on another part of the said piece of land and it is desired to extend the Church across part of the land used as a burial ground: And whereas by the St. Mary's Church Burial Ground (Karori) Closing Order 1963 published in the *Gazette* of the eighteenth day of April, nineteen hundred and sixty-three, at page 523,

and made pursuant to the Cemeteries Act 1908, it was ordered that the burial ground should be closed and burials therein discontinued from the thirty-first day of October, nineteen hundred and sixty-three: And whereas the description of the area of the burial ground in the said Order in Council was incorrect by reason of the fact that it included the land occupied by St. Mary's Church (Karori) as well as the land used as a burial ground and it is accordingly desired to revoke the said Order in Council: And whereas the Wellington Diocesan Board of Trustees has experienced difficulty in keeping the graves, headstones, monuments, and grave surrounds in the burial ground in a neat and tidy condition: And whereas it is expedient that the said headstones, monuments, and grave surrounds should be removed and that the part of the burial ground not covered by extensions of the Church should be levelled and laid out in drives, pathways, lawns, and gardens with ornamental shrubs: And whereas the trustees have no power without legislation to carry out all their wishes:

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 St. Mary's Church (Karori) Burial Ground Act 1963.

2. Interpretation—In this Act, if not inconsistent with the context,—

“The burial ground” means the area used as a burial ground of the following property, namely, all that piece of land being part of Section 35, Karori District, being also Lots 9 and 10 on Deposited Plan Number 7310, part of Lot 1 on Deposited Plan Number 7120 and being the land comprised and described in certificate of title, Volume 574, folio 252, Wellington Registry:

“The trustees” means the Wellington Diocesan Board of Trustees incorporated under the Charitable Trusts Act 1957.

3. Closing burial ground—Notwithstanding the provisions of the Cemeteries Act 1908 but subject to the provisions of this Act no further interments of human remains shall take place in the burial ground after the thirty-first day of October, nineteen hundred and sixty-three.

4. Power to extend Church and reinter remains—Notwithstanding the provisions of the Cemeteries Act 1908, extensions to St. Mary's Church (Karori) approved by the Minister of Health and the Bishop of Wellington may from time to time be erected over parts of the burial ground, and if the construction of any such extensions shall interfere with or disturb any human remains in the burial ground such remains shall be reinterred by the trustees in a respectful and fitting manner in another portion of the burial ground in a place approved by the Minister of Health and the Bishop of Wellington and subject to such directions as the Minister of Health in his absolute discretion shall think fit to give to the trustees in the matter.

5. Power to remove headstones, etc.—The trustees may and they are hereby empowered to remove all headstones, monuments, and grave surrounds at present erected on the burial ground.

6. Records to be kept—The trustees shall cause to be kept as complete a record as possible of the names of all persons known to be buried in the burial ground and of the position in the same of the graves of such persons, and such record shall be available for inspection at the offices of the trustees at all reasonable times.

7. Common memorial to be erected—When any human remains are reinterred pursuant to section 4 of this Act or headstones, monuments, or grave surrounds are removed pursuant to section 5 of this Act, the trustees shall as soon as conveniently may be thereafter cause the names and dates of death of the persons whose graves are thereby affected to be inscribed on a suitable memorial erected by the trustees either on the burial ground or on some part of St. Mary's Church (Karori).

8. Land to be laid out and kept tidy—As soon as conveniently may be after the removal of headstones, monuments, and grave surrounds pursuant to section 5 of this Act the trustees shall cause the area of land from which the same are removed and which is not occupied by extensions to St. Mary's Church (Karori) to be levelled and laid out in drives, pathways, lawns, and gardens with ornamental trees and shrubs and at all times thereafter kept in a tidy condition.

9. Remains not to be removed nor land used except as closed burial ground—Save as hereinbefore provided nothing in this Act shall empower or be deemed to empower the trustees to remove or disturb the remains of any persons buried in the burial ground or to dispose of the burial ground or to use the same for any purpose other than as a closed burial ground.

10. Order in Council revoked—The St. Mary's Church Burial Ground (Karori) Closing Order 1963 is hereby revoked.

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

