



ANALYSIS

Title
 Preamble
 1. Short Title
 2. Survey

3. Trust to be cancelled on deposit of
 plan
 4. Unpaid rates remitted
 5. Registration
 6. Private Act

1968, No. 7—*Private*

An Act to provide for the cancellation of a trust in respect of certain land held by the General Trust Board of the Diocese of Auckland for a cemetery; and for matters incidental thereto
 [18 December 1968]

WHEREAS the General Trust Board of the Diocese of Auckland (hereinafter referred to as “the Board”) is registered as proprietor of an estate in fee simple in all that parcel of land containing one (1) acre twenty-six (26) perches, more or less, being Lot 1 on Deposited Plan 59867 and being part Allotment 67 of the Parish of Mahurangi and being all the land comprised and described in certificate of title, Volume 15A, folio 372 (North Auckland Registry) (hereinafter referred to as “the land first described”): And whereas the Board is registered as proprietor of an estate in fee simple in all that parcel of land containing one (1) acre one (1) rood thirteen decimal six (13.6) perches, more or less, being Lot 2 on Deposited Plan 59867 and being part Allotment 67 of the Parish of Mahurangi and being all the land comprised and described in certificate of title, Volume 15A, folio 373 (North Auckland Registry) (hereinafter referred to as “the land secondly described”): And whereas under and by virtue of Conveyance No. 6772B dated the third day of August 1872 John Reid Brown of Tapu, settler, did convey the said land unto Charles Heaphy, v.c. of Auckland, Theophilus Kissling,

and James Wathen Preece both of Auckland, Esquires, for and on behalf of the General Synod in trust for and to permit and suffer the same to be used as a place for the burial of the dead according to the rites and ceremonies of the Church of England: And whereas the Board is now as hereinbefore recited the registered proprietor of the land first described and of the land secondly described and holds both portions of land upon the same trusts created in and by the aforementioned Conveyance No. 6772B: And whereas interments of the dead have for many years been carried out on the land secondly described: And whereas the Warkworth Town Council (hereinafter called "the Council") has recently published the statutory five yearly review of its operative district scheme: And whereas on the District Map relating to the said five yearly review the land first described is zoned "residential" and the land secondly described is designated as "cemetery": And whereas it has been agreed (*inter alia*) between the Board and the Council—

- (a) That legislation be promoted uplifting the trust hereinbefore described insofar as it applies to the land first described; and
- (b) That all rates levied on the land first described up to and including a date hereinafter defined shall be remitted; and
- (c) That it is not desirable that the land first described be utilised for the interment of the dead:

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 Warkworth Anglican Burial Ground Act 1968.

2. Survey—The Board will have a survey made of the land first described into residential sections in accordance with the Council's ordinances.

3. Trust to be cancelled on deposit of plan—Upon approval being given by the Council to the plan of subdivision the said plan shall forthwith be lodged in the Land Transfer Office at Auckland and upon the date of deposit of such plan the trust hereinbefore described insofar as it affects the land first described shall be deemed to be cancelled.

4. Unpaid rates remitted—Upon such date of deposit as aforesaid all unpaid rates levied by the Council for the years 1964–65, 1965–66, 1966–67, and 1967–68 upon the land first described shall be remitted.

5. Registration—The District Land Registrar for the Land Registration District of Auckland is hereby authorised and directed to make such entries in the Register Books and do all such other things as may be necessary to give effect to the foregoing provisions of this Act.

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