



## ANALYSIS

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1962, No. 3—*Local*

**An Act to empower the Whangarei Borough Council to remove all headstones, monuments, and grave surrounds erected in the Kioreroa Cemetery situated at Otaika in the County of Whangarei, to level and plant the ground so affected, and to erect a monument common to all persons interred in the said cemetery** [15 August 1962]

WHEREAS by an Order in Council dated the twenty-sixth day of July, nineteen hundred and thirty-nine, and published in the *Gazette* of the third day of August in that year, it was ordered and directed that the Kioreroa Public Cemetery, being the land described in the Schedule to this Act, should from and after the first day of September, nineteen hundred and forty-four, be closed and vested in the Whangarei Borough Council: And whereas the Council holds the said land as a public reserve under the provisions of section 78 of the Cemeteries Act 1908: And whereas the Council has experienced difficulty in keeping the land and the headstones, monuments, and grave surrounds therein in a neat and tidy condition: And whereas it is expedient that the said headstones, monuments, and grave surrounds should be removed and the land levelled and laid out in lawns with ornamental trees, shrubs, and gardens: And whereas it is desirable that a suitable memorial should be erected on the land: And whereas the 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 Whangarei Borough Council Empowering Act 1962.

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

“Council” means the Whangarei Borough Council:

“The said land” means the land described in the Schedule to this Act.

**3. 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 land.

**4. Council to keep a 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 land and the position in the same of the graves of such persons, and such records shall be available at the office of the Council at all reasonable times.

**5. Power to plant trees**—The Council shall, as soon as conveniently may be after the removal of the said headstones, monuments, and grave surrounds, cause the said land to be cleared of trees and levelled and planted in grass, trees, ornamental shrubs, and gardens and at all times thereafter kept in a tidy condition and also shall cause to be erected on the said land a suitable memorial inscribed with the names of the persons known to be interred therein.

**6. Restrictions 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 land, or to sell or lease the said land, or to divert it to any purpose not specified in this Act.

**7. No further burials on land**—Notwithstanding anything contained in section 74 of the Cemeteries Act 1908, after the passing of this Act no further interments of human remains shall take place within the said land.

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## SCHEDULE

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ALL that area in the North Auckland Land District, Whangarei County, containing by admeasurement 6 acres 3 roods 36 perches, more or less, being Section 1, Block XVI, Purua Survey District: as the same is more particularly delineated on the plan marked L. and S. 58801 deposited in the Head Office of the Department of Lands and Survey at Wellington and thereon bordered red. (North Auckland S.O. Plan 24823.)

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