



The Rt Hon The Lord Gardiner of Kimble  
Senior Deputy Speaker and Chairman of Committees  
House of Lords  
London  
SW1A 0PW

**MoJ Ref: SUB120918**

23 January 2025

Dear Lord Gardiner,

**THE GENERAL CEMETERY BILL**

I write concerning the General Cemetery Bill.

Standing Order No. 98A (Reports concerning human rights) requires that, in the case of a private bill originating in either House, a report from a Minister of the Crown on the statement of opinion required by Standing Order 38(3) shall be presented to the House (by being deposited in the Office of the Clerk of the Parliaments) not later than the second sitting day after that on which the Bill was read a first time.

I consider that the Bill's promoters have undertaken a full assessment of the compatibility of their proposals with the European Convention on Human Rights (the "Convention") and I see no need to dispute their conclusions. I do, however, have two points to note.

Firstly, in their assessment of compatibility, the promoters do not express a view on whether the General Cemetery Company (the "Company") is a "public authority" for the purposes of section 6(3)(b) of the Human Rights Act 1998 (the "1998 Act"). However, in my view, in considering the compatibility of the Bill with the Convention, it is appropriate to consider whether the Company will be subject to the duty in section 6(1) of the 1998 Act to act compatibly with the Convention rights. I consider that the Company will be exercising public functions within the meaning of the 1998 Act, and will therefore be subject to this duty when exercising the relevant functions. Nevertheless, as noted above, this does not affect my conclusion that the proposals are consistent with the Convention.

Secondly, the promoters' assessment of compatibility considered whether any interference with the relevant Convention rights, which is necessary for the protection of the rights and freedoms of others in using the cemetery, is justifiable and proportionate. The promoters have taken into consideration in particular the safeguards contained in the Bill. I have, however, also considered whether there may be alternative means available of achieving the same aim, which would not involve interference with Convention rights. I am satisfied that other methods of developing burial space have already been implemented to the extent available. I therefore agree with the promoters' assessment that the powers conferred by the Bill are both justified and proportionate.

**LORD PONSONBY OF SHULBREDE**