

## IN PARLIAMENT

SESSION 2024-25

### GENERAL CEMETERY BILL [HL]

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#### SUMMARY OF PRE-DEPOSIT CONSULTATION

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- 1 Prior to depositing the Bill, the GCC consulted with GCC shareholders; the Friends of Kensal Green Cemetery; ward members and officers of their local authorities: the Royal Borough of Kensington & Chelsea and the London Borough of Hammersmith & Fulham, as well as the neighbouring London Borough of Brent and Westminster City Council; local parish churches and the diocese of London; local residents' associations and amenity societies; local MPs; Historic England; the National Lottery Heritage Fund; and officials at relevant Government departments, particularly the Ministry of Justice and the Attorney General's Office. As part of this process, a consultation leaflet, *Kensal Green Cemetery: Towards a Sustainable Future*, was published on 10 June 2024 explaining the proposals. Responses were invited by 31 July.
- 2 The following consultation responses were received.
- 3 Detailed drafting queries were made by House Officials, the Ministry of Justice and the Attorney General's Office. These resulted in a number of changes to the drafting of the Bill.
- 4 GCC shareholders were broadly supportive of the proposals. They subsequently voted unanimously in favour of the Bill's promotion at a special meeting on 7 February.
- 5 The local authorities were supportive and made some further drafting suggestions in relation to their own functions.
- 6 Historic England expressed support for the Bill in general terms and sought clarification of a number of points. In particular, they want to see a conservation management plan put in place for the cemetery and consultation in relation to grave renewal proposals. The GCC is content with these and is now working on a Memorandum of Understanding with Historic England.
- 7 The Bishop of London was content provided that the Bill does not affect their jurisdiction over consecrated land.
- 8 One of the constituency MPs has expressed support for the Bill, and no negative comments have been received from the other MP.
- 9 The Queens Park Community Council expressed general support but was concerned that there should be local representation on the future charitable body. They also sought confirmation of what steps would be taken to contact grave owners and other interested parties before the grave renewal powers were exercised, and what would happen to memorials. The GCC

confirmed their intention to follow the same notice and objection processes as other recent cemetery bills, and that they would maintain a database of interested stakeholders to consult on future proposals.

- 10 Kensal Triangle Residents Association expressed general support for the principle of a transfer to a charitable body but were concerned about the GCC's role in any future structure, and concerned that there should be extensive research carried out before the grave renewal powers were exercised.
- 11 The Friends of Kensal Green Cemetery were broadly supportive of the proposal to transfer the cemetery to a charitable body, but expressed concerns about when the transfer would occur. They subsequently petitioned on this point, and the GCC agreed an undertaking that the grave renewal powers would not be exercised until the transfer had occurred and a conservation management plan had been produced. The Friends subsequently withdrew their petition.
- 12 20 local residents and individuals with rights of burial or family members buried in the cemetery made specific comments on the proposals:
  - seven expressed support in principle for the transfer to a charity (there were no objections to this in principle),
  - two were broadly supportive of grave renewal,
  - two expressed objection in principle to, or concerns about, the proposal for the re-use of graves where rights had been granted in perpetuity,
  - eight queried the impact on specific graves,
  - five asked for confirmation of the steps that would be taken to consult with grave owners and relatives before exercise of the grave renewal powers,
  - four raised queries about the treatment of memorials,
  - nine expressed concern about particular heritage features in the cemetery,
  - two suggested that the cemetery should be the responsibility of a national body,
  - three expressed concern about neighbouring developments,
  - one urged more engagement with local authorities.
- 13 In addition, although the Commonwealth War Graves Commission were unfortunately not formally consulted, they have stated that they have no concerns with the Bill.

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# Kensal Green Cemetery

## Towards a Sustainable Future



# Kensal Green needs to modernise or face an uncertain future

The purpose of this leaflet is to inform the local community and stakeholders about the proposal for a new Bill and why this is being pursued. Community members and stakeholders are invited to provide any feedback or comments on the proposal by 31<sup>st</sup> July 2024.

The General Cemetery Company ('GCC') which owns and operates Kensal Green Cemetery (the 'Cemetery'), and the West London Crematorium was established in 1832 by an Act of Parliament. Kensal Green Cemetery was one of the original 'Magnificent Seven' great Victorian private cemeteries alongside Highgate, Brompton, West Norwood, Abney Park, Nunhead and Tower Hamlets. Like these, the Cemetery at Kensal was built to an intricate landscape design punctuated with remarkable set-piece buildings that over time have become surrounded by countless monuments and mausolea of great variety and style.

Today the Cemetery is the only surviving example from the Magnificent Seven that is still owned and operated by its original founding company, the others having been closed or compulsorily acquired or transferred into alternative ownership.

The Cemetery is hugely significant in terms of its history and architecture. The site itself is a Grade I registered landscape; it contains the Grade I listed Anglican Chapel, The Dissenters' Chapel and entrance arch both Listed at Grade II\* and the North Terrace Colonnade and perimeter walls which are Listed at Grade II. In addition, the Cemetery contains 157 listed monuments, most of which are Grade II but ten of which are individually listed at Grade II\*. Historic England have stated that the cemetery "has very high historic and design interest, resulting in an exceptional level of significance reflected in its concentration of highly-graded designated heritage assets". And it is "one of the most important historic places in London". However, many of the buildings and structures are in poor condition and on Historic England's Heritage at Risk Register. Accordingly, Historic England has commented that the site is one of the highest heritage at risk priorities in the London region.

The scale of cost associated with repairing and conserving the large number of historic buildings and structures, the most substantial of which are nearly 200 years old, has increasingly become an issue for the GCC. This issue is perhaps most acute at the Grade I Anglican Chapel which was the centrepiece of the entire site but today is in poor condition.

Whilst the unbroken chain of ownership at Kensal gives the site particular historical significance it also means that the Cemetery is governed by rules and regulations that are nearly 200 years old which in many cases pose significant challenges to the way the site is run and what the directors of the GCC (the 'Directors') can do in the 21<sup>st</sup> century to meet these challenges.

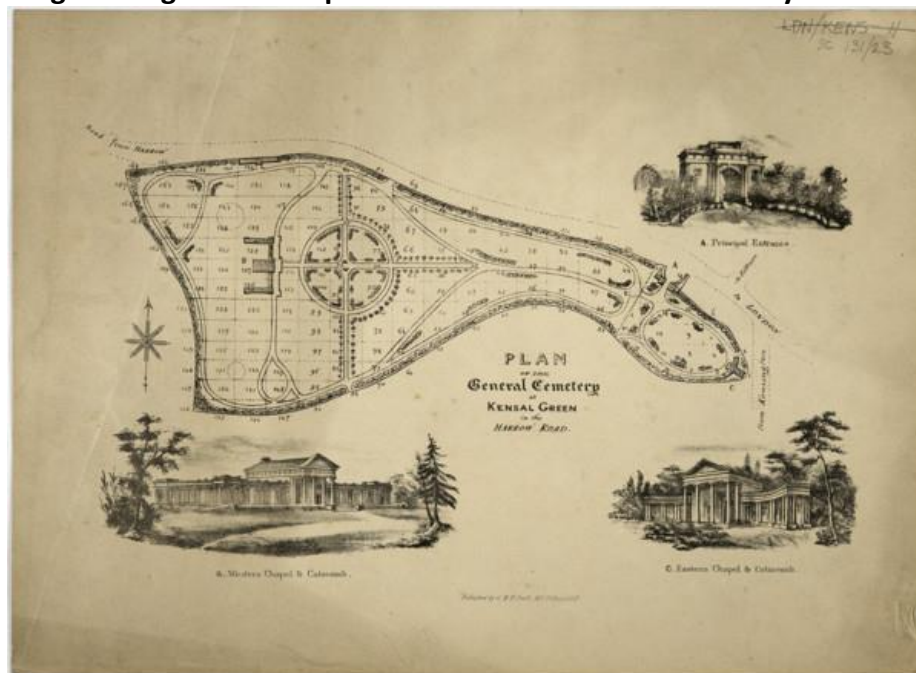
For example, as a private company the GCC cannot apply for any major grants to help repair and repurpose its portfolio of historic buildings as the owners of other heritage assets such as Local Authorities, the National Trust or English Heritage can do. The old rules also mean that the GCC cannot easily borrow money to undertake any repair or repurposing works, which in today's world with high build-costs, is very inhibitive indeed.

Compounding this huge backlog of repair liabilities, the 200 year-old Cemetery is nearly full. Within the next few years, the available space will significantly diminish. Estimates suggest that burial space will run out in around 10 years-time. We would like the Cemetery to continue as a working cemetery and not simply become a tourist attraction. Additionally, the lack of burial space would also remove a vital and significant source of income for the GCC, further reducing the resources available to maintain the Cemetery.

These issues are a major risk to the viability of the GCC and the Cemetery and mean that its long-term future is uncertain.

The GCC has been working closely with specialists and collaborating with key stakeholders such as Historic England to explore opportunities and find ways to address some of the most pressing examples of heritage at risk. Minor grants have been made available to conserve particularly significant monuments and an exceptional grant was recently made to undertake the most urgent repair work at the Anglican Chapel. However, these interventions pale into insignificance in the context of the scale of the challenge at Kensal Green and are in no way sufficient to address the extent of the issues present and it is increasingly clear that it is the way that the GCC is constituted that is one of the single greatest impediments to making any real progress.

**Image showing the original masterplan for the Kensal Green Cemetery**









# A fresh model for the future

In response to the significant challenges they are facing, the Directors have been exploring possible options for how the Cemetery could be operated in the future that could allow the site to continue as an active cemetery and home to the West London Crematorium, whilst improving its ability to secure funds and undertake vital conservation work.

The GCC are proposing the establishment of some form of charitable trust to own the freehold of the Cemetery. A charity would be eligible to apply for major grant funding to invest in repairing heritage buildings and could focus solely on maintaining the rich legacy of historic buildings and structures located on the site. Under this proposal, the GCC could either become a tenant of the new charity or a subsidiary to it and continue to operate the business as usual, managing the Cemetery and the West London Crematorium just as it does today. Such an approach has worked well with historic sites elsewhere in the past.

However, in the GCC's case, the historic Acts of Parliament, as well as the fact that much of the site is consecrated, effectively rule out both of these options. Specialist legal advice has been obtained and confirmed that the GCC cannot pursue the options it has been exploring without an entirely new Act of Parliament; the founding Act(s) effectively prohibit any of the major structural changes that are essential to secure the long-term sustainability of the site.

Based on this advice, the Directors are now clear that the only way to create a sustainable long-term future for the Cemetery is to secure a new Act of Parliament, which we intend to seek in November 2024. This would give the GCC the opportunity to revise the rules by which the GCC can act and bring the organisation up to date in line with modern standards. This would free the Directors from antiquarian constraints that simply did not foresee a time when the Cemetery would have insufficient burial capacity and the GCC would be the custodian of numerous listed buildings and structures.

Whilst this presents a relatively rare set of circumstances, the Directors were heartened by the fact that one or two other cemeteries also set up by Private Acts have previously secured new Acts or changes to their existing Acts; indeed Kensal's near neighbour and another member of the 'Magnificent Seven' at Highgate recently secured a new Act that gave them new powers. Whilst no previous case is exactly the same, it is positive to see that this can be done successfully and relatively speedily.



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# Grave renewal

In addition to the restructuring, GCC are also concerned that the Cemetery will soon run out of burial space. Within the next few years, the space available will significantly diminish. The GCC are keen for the Cemetery, particularly as one of the Magnificent Seven, to continue as a working cemetery and not simply become a tourist attraction.

Continuing to provide places of burial is the best way to preserve the special character of the Cemetery and prevent its decline. With their loved ones continuing to be buried here, future generations would value the Cemetery as a spiritual landscape, different in character from other open spaces such as parks.

There are two components to the grave renewal process, both of which could be obtained through the new Act of Parliament, which updates the GCC's regulatory regime. These are reclaiming burial rights that have been granted but never used or only partially used and re-using grave spaces that have been previously used.

## *Reclaiming unused burial rights in graves that have never been used*

When the Cemetery was established, the GCC offered private family graves where members could be buried together. Rights of burial were granted in perpetuity. But families were more mobile than anticipated, and some of the graves that were purchased were never used and have been simply forgotten altogether by descendants.

To become sustainable, the GCC are proposing to introduce the power to take back the ownership of burial rights which have not been exercised. When a grave is purchased, the buyer generally acquires an "exclusive right of burial" for that grave space. There is, in effect, a restriction on utilising the graves without the owner's permission.

Given the significant passage of time, in many cases it is no longer possible to identify or locate the people who now own those existing exclusive rights. However, the rights still exist and so nobody else can be buried in those spaces without breaching the rights. The Bill would allow the burial authority to cancel those rights, by giving notice, after which the rights could be re-sold and the graves used. This is a power that is available to municipal cemeteries in London but is not covered by the GCC's existing Acts.

## *Reclaiming unused burial rights in graves that have been partially used*

The Act of Parliament could also enable the GCC to create additional space for burials in grave spaces that have only been partially used. In some cases, one or more burials have taken place but there is still unused space in the graves. In this scenario, the GCC intend to seek powers to cancel the existing right of burial in perpetuity, so that we would be able to bury on top of other interments already in the grave.



### *Re-using graves*

Occasionally it might also be possible to create additional space by reintering existing burials at a deeper level in the same grave. Once any existing rights of burial have been cancelled, this reinterment process could be carried out in consecrated parts of the Cemetery with a church permission known as a 'faculty'. The Bill would extend the powers so this process could be carried out in un-consecrated parts of the Cemetery too.

### *Safeguards for reclaiming unused burial rights or re-using graves*

This power would be used sparingly and with the utmost sensitivity. Only long-abandoned graves, both used and partially used, would be considered for renewal: those where the last burial was over 75 years ago or, if the grave is empty, which were sold more than 75 years ago. Experience suggests that if grave rights have not been used for this period, they are unlikely ever to be used. The Act will require advance notice to be given, including writing to any recorded owners, and placing notices in the press, on the web, at the Cemetery entrance, and on the grave itself. If an owner came forward and objected, the renewal would not proceed. If an objection were received from a relative of any person buried in the grave whose remains were proposed to be disturbed, no renewal would be considered for a further period of 25 years.

With these safeguards we would be doing our best to ensure that no grave owner or relatives would be separated from the ownership of a grave which they value. We would be interested in your views about how these safeguards can be refined.







# Securing a private Bill

The GCC are clear that securing a private Bill is the answer to the issues faced by the Cemetery. It is the only option that can deliver the modernisation and freedoms required to address the issues at the Cemetery.

The Directors are now working with specialist Parliamentary Agents to undertake the necessary preparatory work to be in a position to submit a private Bill to Parliament in November 2024. This Bill would set out the proposed changes to the GCC's powers and regulation.

Anybody who was directly affected by the proposals in the Bill would have the chance to object to them, in a process known as 'petitioning'. A special Committee in each House of Parliament would hear from both the GCC and any petitioners before deciding whether the Bill should be passed into law. The process is likely to take around 12 to 18 months.

The purpose of this leaflet is to inform stakeholders and the local community about the proposal for a new Bill and why this is being pursued. Stakeholders and residents are invited to provide any feedback or comments on the proposal by 31<sup>st</sup> July 2024.

Comments should be sent:

By email to [peter.humphries@kensalgreencemetery.com](mailto:peter.humphries@kensalgreencemetery.com) with the subject line 'Cemetery Consultation'

or

By post to the General Cemetery Company, Kensal Green Cemetery, Harrow Road, London, W10 4RA

Comments must be received no later than 31<sup>st</sup> July 2024. All comments received will be duly considered prior to any final decision to proceed with the promotion of the private Bill.

# FAQs

Why are you proposing this Bill?

The General Cemetery Company that owns and operates the Kensal Green Cemetery and West London Crematorium cannot afford to repair the huge number of important heritage assets on the site and due to the way the Company was set up it cannot access external funding to do this as the owners of many other heritage sites would. At the same time, the Cemetery is running out of space and this will eventually reduce the funds available for heritage preservation. The proposed Bill will put the GCC on a level playing field with the owners of other heritage sites (and cemeteries) and mean that it can set up a charity to focus on restoration work that is eligible for major grants.

Why can't you do this now?

The GCC is effectively a private for-profit company. This makes it ineligible for the majority of grant programmes. Where funders such as the National Lottery Heritage Fund will consider private companies, they will only make very small grant awards, not anywhere near large enough to tackle the issues at Kensal Green.

How has it come to this?

The Cemetery was set up by a Private Act of Parliament nearly 200 years ago. At that time there was no such thing as Listed buildings or a register of heritage at risk. It was envisaged that the descendants of the deceased would invest in maintaining their family monuments which they legally own and that there would always be sufficient income for the GCC to invest in maintaining its buildings. No allowance was made for the fact that when burial capacity was met, GCC's main source of income would cease.

How much money do you need?

The full extent of the investment required to conserve the many heritage structures on the site and the necessary related infrastructure i.e., drains and roadways is conservatively estimated to be at least £30 million. We know that to fully

repair the Anglican Chapel alone and bring it back to life would cost around £9-£10 million.

How long will this all take?

The financial and physical scale of the challenge at Kensal Green is significant. The time horizons to undertake the works required are therefore long and we expect this to be a 20+ year project and thereafter there will always be a need for continued investment in upkeep and maintenance. However, the Cemetery has been here for nearly 200 years and we want it to be here for another 200, serving the diverse communities in west London. Consequently, we are committed to putting in place the changes required to set the Cemetery on a path to a long-term sustainable future.

Can it be done?

Yes. Other cemeteries such as Highgate in London and Arnos Vale in Bristol are now owned and operated by charities and have benefitted from significant external grants.

What happens if this Bill fails?

If the Bill fails there is no way the GCC would be able to conserve the heritage assets it owns. Over time public access would become increasingly challenging. Buildings and monuments would have to be closed-off to the public or laid-down. This has already started to happen, the Anglican Chapel has been closed to the public for some years. Once the remaining capacity at the Cemetery has been used up, the GCC would lose an important source of income and the viability of the GCC at that time would be severely threatened. The worst-case scenario at that point would be the closure of the Cemetery.



# National Lottery Heritage Grants £250,000 to £10million

[See all updates](#)

We fund projects that connect people and communities to the national, regional and local heritage of the UK.

National Lottery Heritage Grants is our funding programme for all types of heritage projects in the UK.

Use this guidance to apply for grants from £250,000 to £10m.

You must first submit an [Expression of Interest](#) and, if you are successful, we will invite you to apply.

Your application will usually go through two phases: a development phase of up to two years, enabling you work on your project proposal, and a delivery phase of no more than five years. If you think a two phase application is not right for your project, please contact your [local office](#) to discuss.

### 3. Who can apply?

Under this programme, we accept applications from not-for-profit organisations and partnerships led by not-for-profit organisations.

Here are some examples of the types of organisations we can fund:

- charities, trusts and charitable incorporated organisations
- community and voluntary groups
- community/parish councils
- community interest companies
- faith-based or church organisations
- local authorities
- other public sector organisations

Organisations need to have a bank account, a governing document, and two or more members that are not related or living at the same address.

If you are unsure whether you are eligible to apply, get in touch with your local team by submitting an [Expression of Interest](#).

#### Partnerships

We encourage you to work with other people to develop and carry out your project.

A partner is another organisation or third-party body that is integral to the delivery of your project.

Partners are not subcontractors. They will take on an active role in the project and will be involved in the project. They will help to report on progress, attend regular partnership meetings and support project evaluation.

If you plan to work with any other organisations to carry out a significant proportion of your project you must formalise your relationship with a partnership agreement.

If you are making a joint application, you will need to decide which organisation will be the lead applicant. The lead applicant will complete the application, and if successful, receive the grant and provide project updates. We usually expect the owner of the heritage to be the lead applicant. If the lead applicant is not the owner of the heritage, we usually ask them to sign up to the terms of grant.

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## **GENERAL CEMETERY BILL**

### **TEXT OF THE OLD ACTS AS CURRENTLY IN FORCE**

- Schedule A: An Act of the second year of the reign of His Majesty King William the Fourth, entitled “An Act for establishing a General Cemetery for the Interment of the Dead in the Neighbourhood of the Metropolis” (2 & 3 Will. 4 c. cx)
- Schedule B: An Act of the second year of the reign of Her Majesty Queen Victoria, entitled “An Act for enabling the General Cemetery Company to raise a further Sum of Money and for amending the Act relating to the said Cemetery” (2 & 3 Vict. c. v)
- Schedule C: The General Cemetery Act 1937 (c. xxiii)

## **SCHEDULE A. METROPOLITAN GENERAL CEMETERY ACT 1832 (2 & 3 W.4 C. CX)**

WHEREAS the Cemeteries or Burial Grounds within the Cities of London and Westminster and the Suburbs thereof are of very limited Extent, and, having been long in use, are so occupied and filled with Graves and Vaults as to be altogether insufficient for the increased and increasing Population of the Metropolis :

And whereas it would be of great public Advantage if a General Cemetery, on an extensive Scale, were established in an open Situation adjacent to the Metropolis, for the Interment of the Dead, under certain Regulations and Restrictions:

And whereas the several Persons herein-after named are willing, at their own Costs and Charges, to establish such Cemetery\* with suitable Chapels, Offices, and Buildings; but the same cannot be done without the Aid and Authority of Parliament:

May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

### **I. Company incorporated**

That the Honourable Charles William Wentworth Fitzwilliam commonly called Viscount Milton, the Honourable Henry John Ckettvynde Talbot commonly called Viscount Ingestre, Sir Robert Price Baronet, Sir John Dean Paul Baronet, the Honourable William Booth Grey, Sir Henry Pynn, George Neville Adams, John Atkins, George Frederick Carden, Robert Walter Carden, John Sherring Clark, Edward Foss, Thomas Gaspey, John Griffith, Andrew Macklew, James Kyrle Money, George Robert Paul, Henry Ansley Purchas, Augustus Pugin, Robert William Sievier, Andrew Spottiswoode, Robert Walpole, and Thomas Wilson, and all other Persons and Bodies Politic and Corporate who have subscribed or who shall hereafter become Subscribers to the said Undertaking, and their several and respective Successors and Assigns, shall be and they are hereby united into a Company for making and maintaining the said Cemetery and other the Works by this Act authorized, according to the Provisions and Restrictions herein-after mentioned, and for that Purpose shall be one Body Corporate by the Name and Style of " The General Cemetery Company," and by that Name shall have perpetual Succession and shall have a Common Seal, and by that Name shall and may sue and be sued, and also shall have Power and Authority to purchase and hold Lands and other Hereditaments, to them and their Successors and Assigns, for the Use of the said Undertaking, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain, and shall also have Power to sell and dispose of such of the said Lands and Hereditaments as may not have been used for the Purposes of this Act in manner by this Act directed.

### **II. Company empowered to purchase Premises for the Purposes of this Act**

And be it further enacted, That it shall be lawful for the said Company, and they are hereby authorized and empowered, from Time to Time, to treat, contract, and agree with the respective Owners of and all other Persons interested in any Buildings, Land or Ground, Hereditaments and Premises necessary or convenient for the Purposes of this Act, and who shall be willing to sell the same, or his, her, or their Right or Interest in the same, for the



Purchase thereof, or of any Part thereof, not exceeding in the Whole Eighty Acres, for the Uses or Purposes of this Act, and to pay or cause to be paid such Sum or Sums of Money as shall be agreed upon between such Owners or other Persons interested as aforesaid and the said Company; and upon Payment of the Purchase Money for any such Buildings, Land or Ground, Hereditaments and Premises as aforesaid, to the Parties or Persons respectively entitled thereto, and upon the Conveyance by them of the said Buildings, Land and Ground, Hereditaments and Premises, or of their Right or Interest in the same, unto the said Company, it shall be lawful for the said Company, their Surveyors, Workmen, or Agents, at any Time thereafter to enter upon and take Possession of the said Buildings, Lands, Grounds, Hereditaments, and Premises, for the Purposes of this Act; and from thenceforth all Parties and Persons whosoever shall be divested of all Right and Title, Claim and Reversion, to such Houses, Buildings, Land or Ground, Hereditaments and Premises.

### **III. Exception as to Parish of St Pancras**

Provided always, and be it further enacted, That nothing herein contained shall authorize or empower the said Company to contract for or purchase Lands or Hereditaments in the Parish of Saint Pancras in the County of Middlesex, for the Purposes of this Act.

### **IV. Enabling Company to sell Lands not wanted**

And whereas by means of the Purchases, which the said Company are empowered to make by virtue of this, Act they may happen to be seised of more Lands, Tenements, or Hereditaments than will be necessary for the Purposes of this Act, or of Lands, Tenements, or Hereditaments not Wanted or not applicable to the Purposes hereof; be it therefore enacted, That it shall be lawful for the said Company to sell such Lands, Tenements, or Hereditaments, or any Part thereof, either together or in Parcels, by public Auction or private Contract, as they shall deem most advantageous, to such Persons as shall be willing to purchase the same, and by any Deed, under their Common Seal to convey the same to the Purchaser or Purchasers thereof and again from Time to Time to contract for the, Purchase of any other Lands, Tenements, or Hereditaments which the Company shall deem more eligible for the Purposes of this Act, and afterwards to sell and dispose of the same as aforesaid and so from Time to Time as the said Company shall think proper, so that the total Number or Quantity of Acres so to be purchased and held by the said Company for any of the Purposes of this Act shall not exceed at any One Time Eighty Acres; and such Conveyances from the said Company shall be valid and effectual, any thing in this Act contained, or any other Law, Statute, or Custom, to the contrary notwithstanding.

### **V. Not to sell Land which may have been consecrated**

Provided always, and be it further enacted, That it shall not be lawful for the said Company, under the Authority of the Provision herein-before contained, to sell or dispose of any Land which shall have been consecrated and set apart for the Burial of the dead.

*[Disapplied in part by section 18 of the Church of England (Miscellaneous Provisions) Measure 2014 (No. 1)]*

**VI. Treasurer, upon Payment of Money, to give Receipts, which shall be a sufficient indemnity**

And be it further enacted, That upon Payment of the Money which shall arise from the Sale of any Lands, Tenements, or Hereditaments authorized by this Act to be sold by the said Company, or upon Payment of any Money under this Act, it shall be lawful for the Treasurer for the Time being to the said Company to sign and give Receipts for the Money so paid; which Receipts shall be sufficient Discharges to all Persons for the Purchase Money for such Lands, Tenements, or Hereditaments, or Interests, as shall be sold, or for so much thereof and for such Sums of Money as in such Receipts respectively shall be expressed to be received; and such Persons shall not afterwards be answerable or accountable for any Loss, Misapplication, or Non-application of such Purchase Money or other Monies, or any Part thereof.

**VII. The Word "grant" in Conveyances from the Company to amount to certain Covenants**

And be it further enacted, That in all Conveyances to be made by the said Company under or in pursuance of this Act the Word, "grant" shall operate as and be construed and adjudged in all Courts of Judicature to be express Covenants with the Grantees in such Conveyances, and the Successors, Heirs, Executors, Administrators, and Assigns of such. Grantees, according to the Quality or Nature of the Estate or Interest comprised in such Conveyances by or from the said Company, for themselves and their Successors, that they the said Company, notwithstanding any Act or Default done by them, were at the Time of the Execution of such Conveyances seised or possessed of the Lands, Tenements, and Hereditaments, or Premises thereby granted, for an indefeasible Estate of Inheritance in Fee Simple, free from all Incumbrances done or occasioned by them, or otherwise for such Estate or Interest as may be thereby granted, free from Incumbrances done or occasioned by them, that the Purchaser of Purchasers thereof, his, her, or their Heirs and Assigns, Successors and Assigns, or Executors, Administrators, and Assigns, (as the Case may be,) shall quietly enjoy the same against the said Company, their Successors, and all claiming under them, and be indemnified and saved harmless by the said Company and their Successors from all Incumbrances committed by the said Company, and also for further Assurance of such Hereditaments and Premises by the said Company, their Successors, and all claiming under them, unless except and so far as the same shall be restrained and limited by express particular Words contained in such Conveyances; and such Grantees, and their several Successors, Heirs, Executors, Administrators, and Assigns respectively, according to the Quality or Nature of the Estate or Interest expressed to be conveyed, shall and may in all Actions to be brought assign Breach or Breaches thereupon as they might do in case such Covenants were expressly inserted in such Conveyances.

**VIII. Proprietors to raise Money amongst themselves for the Undertaking, not exceeding £45,000, to be divided into shares of £25**

And be it further enacted, That it shall be lawful for the said Company to raise amongst themselves, for making and maintaining the said Cemetery and other Works by this Act authorized, any Sum or Sums of Money not exceeding in the whole the-Sum of Forty-five



thousand Pounds, the whole to be divided into One thousand eight hundred Shares of Twenty-five Pounds each, and such One thousand eight hundred Shares shall be numbered, beginning with Number One, in arithmetical Progression, and every such Share shall be distinguished by the Number to be applied to the same ; and the said Shares shall be and are hereby vested in the several Persons so raising the same, and their several and respective Successors, Executors, Administrators, and Assigns, to their proper Use and Benefit, proportionably to the Sum they shall severally contribute; and all Bodies Politic, Corporate, and Collegiate, and all Persons, and their several and respective Successors, Executors, Administrators, and Assigns, who shall severally subscribe for One or more Share or Shares or such Sum or Sums as shall be demanded in lieu thereof towards carrying on and completing the said Undertaking and other the Purposes of the said Subscription, shall be entitled to and shall receive, at such Time or Times as the said Company shall at any General or Special General Meeting, to be convened for that Purpose in such Manner as Meetings on other Occasions are by this Act directed to be convened, or as the Directors of the said Company, to be appointed as herein-after mentioned, shall, after an Order for that Purpose shall have been made by the said Company, direct and appoint, in proportionable Parts, according to the respective Sums so by them respectively paid, the net Profits and Advantages which shall arise or accrue by the Sale or Disposal of Graves, Vaults, and Privilege of Interment, and other Sums of Money to be received by the said Company, as and when the same shall be divided by the Authority of this Act; and every Body Politic, Corporate, and Collegiate, and Person, having such Property in the said Undertaking as aforesaid, shall bear and pay a proportionable Sum towards carrying on the same.

## **IX. Shares to be Personal Property**

And be it further enacted, That all the Shares and Proportions of and in the said Undertaking, or the Joint Stock or Fund of the said Company, shall be deemed Personal Estate, and be transmissible as such, and shall not be deemed to be of the Nature of Real Property.

## **X. To compel Payment of Subscriptions**

And be it further enacted, That the several Parties who have subscribed or who shall hereafter subscribe for or towards the said Undertaking shall and they are hereby required to pay the respective Sums of Money by them respectively subscribed for, or such Parts or Proportions thereof as may have been called for previously to the passing of this Act by the Committee by whom the Affairs of the Company have been conducted, and as shall from Time to Time be called for by the Directors of the said Company, by virtue of and pursuant to the Powers and Directions of this Act, at such Times and Places as shall be directed by the said Directors; and in case any Party shall refuse or neglect to pay the Money by him or her so subscribed for, or the Part thereof so called for, at the Time and in the Manner required for that Purpose, it shall be lawful for the said Company or for the said Directors to sue for and recover the same in any Court of Law or Equity, together with Interest on such unpaid Sum or Sums of Money, at the Rate of Five Pounds per Centum per Annum, from the Time when the same shall be directed to be paid as aforesaid.

## **XI. Directing how Subscribers shall vote**

And be it further enacted, That all Bodies Corporate and Persons who shall have duly subscribed for, or become the Proprietors of, or become entitled to Five Shares in the said Undertaking, and their respective Successors, Executors, Administrators, and Assigns, shall have One Vote for and in respect of such Five Shares; and all such Bodies and Persons as aforesaid as shall have subscribed for, or become the Proprietor of, or become entitled to Ten Shares in the said Undertaking, and their respective Successors, Executors, Administrators, and Assigns, shall have Two Votes; and all such Bodies and Persons as shall have subscribed for or become the Proprietor of or entitled to Fifteen Shares in the said Undertaking shall have Three Votes; and all such Bodies and Persons as aforesaid, as shall have subscribed for or become the Proprietor of or entitled to Twenty-five Shares and upwards in the said Undertaking shall have Four Votes; and such Vote or Votes may be given by such respective Bodies Corporate or Persons, or by their respective Proxies constituted under the Common Seals of such Bodies Corporate or under the Hands of the other Proprietors appointing such Proxies, all such Proxies being Proprietors of Shares in the said Undertaking; and every such Vote by Proxy shall be as good and sufficient to all Intents and Purposes as if the Principal had voted in Person; and every such Proxy may be given, either for a specific Purpose, or for a definite or indefinite Number of General Meetings, and shall continue in force for so long a Time as it shall be expressed to be given, unless it shall be revoked by Writing under the Hand of the Proprietor signing the same, or by his subsequently appointing any other Person to act as Proxy, or unless such Proprietor shall be present in Person at any General or Special General Meeting, or at any adjourned Meeting; and every Question, Matter, or Thing which shall be proposed in any General or Special General Meeting of the said Company shall be determined by the Majority of Votes and at every such Meeting the Chairman thereof shall and may, not only vote as a Principal and Proxy, but in case of an Equality of Votes shall and may also have a second or the decisive or casting Vote; and the Appointment of every such Proxy may be made according to the Form following, or as near thereto as the Quality, Nature, and Number of the Appointor or Appointors of the Proxy thereby constituted, and other Circumstances, will admit; (that is to say,)

### **Form of Proxy**

« A. B. of \_\_\_\_\_, One of the Proprietors of the General Cemetery Company, doth hereby appoint C. D. of \_\_\_\_\_ to be the Proxy of the said A. B., in his Name or otherwise and in his Absence to vote or give his Assent to or Dissent from any Business, Matter, or Thing relating to the said Undertaking, which shall be proposed at any General or Special General Meeting of the said Company, or at the General or Special General Meeting *[as the Case may be~]* holden on the \_\_\_\_\_ Day of \_\_\_\_\_ next, and at any Adjournment thereof, in such Manner as he the said C, D. shall think proper. In witness whereof the said A. B. hath hereunto set his *[or her]* Hand *[or Common Seal]* the \_\_\_\_\_ Day of \_\_\_\_\_ . »

## **XII. The Person whose Name stands first as joint Proprietor with others to be deemed the Owner, &c.**

And be it further enacted, That whenever several Persons shall be jointly possessed of or entitled to any Share or Shares in the said Undertaking, the Person whose Name shall stand



first on the Books of the said Company as Proprietor of such Share or Shares, shall for the Purposes of this Act be deemed the Proprietor of such Share or Shares; and all Notices by this Act directed to be given to the Proprietors of Shares in the said Undertaking shall and may, for or in respect of such Share or Shares so jointly held, be given to the Person whose Name shall so stand first in the Books of the said Company, or be left at the last or usual Place of Abode of such Person, or be inserted in the *London Gazette* (as the Case may require); and such Notice to such Person shall be deemed sufficient Notice to all the Proprietors of such Shares so jointly held for all the Purposes for which such Notice is intended to be given; and all such Proprietors shall be entitled to give their Votes in respect of such Share or Shares so jointly held by the Person whose Name shall so stand first in the Books of the said Company as Proprietor of such Share or Shares, and whose Vote, either in Person or by Proxy, shall on all Occasions be deemed and allowed to be the Vote for or in respect of the whole Property in such Share or Shares, without Proof of the Concurrence of any other Proprietor or Proprietors of such Share or Shares.

### **XIII. Lunatics and Minors to vote by Committees and Guardians**

And be it further enacted, That in case any Proprietor entitled to vote at such Meeting as aforesaid shall be a Lunatic or a Minor, such Lunatic shall or may Vote at such Meeting by his Committee or by any One of such Committees, and such Minor shall or may vote by his Guardians or by One of such Guardians, if such Committee or Guardian shall be a Proprietor of Shares in the said Undertaking, and if not, then by a Proxy to be appointed by such Committee or any One of such Committees, or by such Guardian or any One of such Guardians:

Provided that every such Committee or Guardian may, if a Proprietor, also vote in right of his or her-own Share or Shares, as well as in the Character of Committee of any Lunatic, or of Guardian of any Minor, on the same Occasion.

### **XIV. Proprietors to be possessed of Shares Six Calendar Months before they can vote**

And be it further enacted, That no Proprietor shall be entitled to vote at any such Meeting as aforesaid, either in Person or by Proxy, in respect of any Shares held by him in the Capital of the said Company, unless he shall have been possessed of such Shares for at least Six Calendar Months next preceding the Time at which such Meeting shall be held, and shall have paid up all Instalments which may have been called for in respect of such Shares, although the Time limited for the Payment of any such Instalments may not have expired:

Provided always, that original Proprietors, and Persons who may become Proprietors or acquire Shares by Marriage, or as the Executors, Administrators, Legatees, or next of Kin of deceased Proprietors, may at all Times vote in respect of such Shares, however short a Time they may have possessed the same.

## **XV. Names of Proprietors to be entered, and Certificates of their Shares delivered to them**

And be it further enacted, That the said Company shall and they are, hereby required, at some General Meeting, to cause the Names of the several Bodies Corporate, and the Names and Additions of the several Persons who shall then be entitled to any Share or Shares in the said Undertaking, with the Number of Shares which they are respectively entitled to hold, and the Amount of the Subscriptions paid thereon, and also the proper Number, by which every Share shall be distinguished, to be fairly and distinctly entered in a Book to be kept by the Clerk of the said Company, and also from Time to Time to cause the Names and proper Additions of the several Bodies Corporate and Persons who shall from Time to Time become entitled to any Share or Shares in the said Undertaking to be entered in such Book; and the said Company shall also from Time to Time cause a Certificate or Ticket, with the Common Seal Of the said Company affixed thereto, to be delivered to every such Proprietor, on Demand, specifying the Share or Shares to which they, lie, or she are or is entitled in the said Undertaking such Proprietor paying to the Clerk of the said Company the Sum of Two Shillings and Sixpence, and no more for every such Certificate or Ticket;

### **For granting new Certificates when old ones destroyed or worn out**

and in case such Certificate or Ticket shall be worn out, damaged, defaced, burnt, or totally destroyed, or lost, then, upon due Proof thereof, a similar Certificate or Ticket shall be given to the Party who was the Proprietor of or entitled to the Certificate or Ticket so worn out, damaged, or defaced, burnt, destroyed, or lost; and a due Entry of the Substitute or Duplicate of such Certificate or Ticket shall be made by the Clerk of the said Company in manner hereinbefore directed, the said Clerk receiving for every such Certificate or Ticket which shall be so substituted or given the Sum of Two Shillings, and Sixpence and no more; and such Certificate or Ticket, whether original or substituted; shall be admitted in all Courts whatsoever as *prima facie* Evidence of the Title of such respective Subscribers, their Successors, Executors, Administrators, and Assigns, to the Share or Shares therein specified; but the Want of such Certificate or Ticket shall not hinder or prevent the Proprietor of any of the said Shares from selling or disposing of the same; and such Certificate or Ticket may be in the Words or to the Effect following; (that is to say,)

« The General Cemetery Company, Number

THESE are to certify, That A. B. of                      is the Proprietor of the Share Number                      in the General Cemetery Company, subject to the Rules, Regulations, and Orders of the said Company; and that the said A. B., his Executors, Administrators (or Successors), and Assigns, is and are entitled to the Profits and Advantages of such Share. Given under the Common Seal of the said Company, the                      Day of                      in the Year of our Lord                      .»

## **XVI. Power to raise the additional Sum by way of Mortgage**

And be it further enacted, That if the Money hereby authorized to be raised shall be found insufficient for the Purposes of this Act, then and in such Case it shall be lawful for the said Company, by the Order of any Special General Meeting of the said Company, to borrow and take up at Interest any further or additional Sum or Sums of Money, not exceeding in the whole



the Sum of Fifteen thousand Pounds, on the Credit of the said Undertaking, as to them shall seem proper; and the said Company, or the Directors of the said Company, after an Order shall have been made for that Purpose by any Special General Meeting of the said Company, are hereby empowered to mortgage, assign, and charge the Property of the said Undertaking, and the Profits arising or to arise from the Sale or Disposal of Graves, Vaults, and Privilege of Interment, or any other Sums of Money arising by virtue of this Act or any Part thereof (the Costs and Charges of assigning the same to be paid out of such Profits, or Monies), as a Security for any such further Sum of Money to be borrowed as aforesaid, with Interest, to or for the Benefit of the Party, or to his or her Trustee, who shall advance the same; and a Copy of the Order of any Special General Meeting of the said Company, authorizing the borrowing of any such Sum or Sums of Money, certified by the Clerk of the Company to be a true Copy, shall be sufficient Evidence of the making of such Order; and all such Mortgages, Assignments, and Charges shall be made under the Common Seal of the said Company, in the Words or to the Effect following, with such Variations therein as the Circumstances of the Case may render necessary; (that is to say,)

### **Form of Mortgage**

« Number                    } BY virtue of an Act passed in the Second Year of the Reign of His Majesty  
                                       } King *William* the Fourth, intituled *{here set forth the Title of this Act}*, We  
                                       "The General Cemetery Company," incorporated by and under the said Act,  
                                       in consideration of the Sum of                    to us in hand paid by *A. B.* of                    ,  
                                       do assign unto the said *A. B.*, his Executors, Administrators, and Assigns,  
                                       the said Undertaking, and all and singular the Profits arising from the Sale  
                                       or Disposal of Graves, Vaults, and Privilege of Interment, and other the  
                                       Sums of Money arising, by virtue of the said Act, and all the Estate, Right,  
                                       Title, and Interest of the said Company, of, in, and to the same, to hold unto  
                                       the said *A.B.*, his, Executors, Administrators, and Assigns, until the said Sum  
                                       of                    together with Interest for the same after the Rate of                    for  
                                       every One hundred Pounds for a Year, shall be fully, paid and satisfied.  
                                       Given under our Common Seal, this                    Day of                    in the Year of our  
                                       Lord                    . »

### **Mortgagees not to have Priority**

And the respective Parties to whom such Mortgages or Assignments shall be made shall be entitled, one with the other, to their Proportions of the said Profits, Monies, and Premises, according to the respective Sums in such Mortgages or Assignments mentioned to be advanced, without any Preference by reason of Priority in the Date of any such Order of Meeting, or Priority in Date of any such Mortgage or Assignment, or on any other Account whatsoever; and an Entry or Memorial of every such Mortgage or Assignment, containing the Number and Date thereof, and the Names of the Parties (with the proper Additions) to whom the same shall have been made, and of the Sums borrowed, together with the Rate of Interest to be paid thereon, shall, within Fourteen Days next after the Date thereof, be entered in some Book to be kept by the Clerk of the said Company, which said Book may be perused at all reasonable Times by any of the Proprietors or Creditors of the said Undertaking, or other Persons interested therein, without Fee or Reward; and all Parties to whom any such Mortgages or Assignments shall have been made as aforesaid, or who shall be entitled to the

Money due thereon; may from Time to Time transfer their respective Rights or Interests therein to any other Person or Persons; and every Transfer thereof may be in the Words or to the Effect following; (that is to say,)

#### **Form of Transfer of Mortgage**

« I A. B. of , in consideration of the Sum of paid by C. D. Of , do hereby transfer a Mortgage or Assignment, Number , made by "The General Cemetery Company" to , bearing Date the Day of , for securing the Sum of and Interest, and all my Right, Estate, and Interest in and to. the Money thereby secured, and in and to the Profits, Monies, and Property thereby assigned to the said C. D., his Executors, Administrators, and Assigns. Dated the Day of in the Year of our Lord .»

And every such Transfer shall within Twenty-eight Days next after the Date thereof, if executed in *England*, or otherwise within Twenty-eight Days next after the Arrival thereof in *England*, if executed elsewhere, the Time of such Arrival to be verified by an Affidavit made and sworn to by some respectable Person before any of His Majesty's. Justices of the Peace, or before any Master or, Master Extraordinary in, the High Court of Chancery, which Affidavit shall, be delivered in and left with the Clerk of the said Company, be produced to the Clerk of the said Company, who shall cause an Entry or Memorial to be made, thereof in the same Manner as of the original Mortgage or Assignment, for which the said Clerk shall be paid the Sum of Two Shillings and Sixpence and no more; and after such Entry or Memorial made every such Transfer- shall entitle such Assignee, or his or her Executors, Administrators, and Assigns, to the full Benefit thereof and Payment thereon; and it shall not be in the Power of any. Person who shall have made such Transfer to make void, release, or discharge the same, of any Sum of Money thereon due or thereby secured, or any Part thereof.

### **XVII. Interest of Money borrowed to be paid in preference to Dividends**

And be it further enacted, That the Interest of the Money which shall be raised by Mortgage, Assignment, or Charge as aforesaid shall be paid half yearly to the several Parties entitled thereto, and in preference to any Dividends payable by virtue of this Act to the Proprietors of the said Company or any of them; and in case such Interest or any Part thereof shall be unpaid for the Space of Twenty-one Days next after the same shall have become due and payable as aforesaid, and the same shall not be paid within Twenty Days after Demand thereof in Writing shall have been made to the said Company/or left at the Office of the said Company, such Demand being made upon or any Time after the Expiration of such Twenty-one Days, it shall be lawful for any Two or more Justices of the Peace acting in or for the County in which the Cemetery is situated, not being interested in the Matter in question, and they are hereby required, on Request to them made by or on behalf of any Mortgagee whose Interest shall be so in arrear, by an Order under their Hands to appoint some Person to receive the Whole or such Parts of the said Profits or Proceeds or other Monies as are liable to pay such Interest so due and unpaid, as aforesaid; and the Money so to be received by such Receiver is hereby declared to be so much Money received by or to the Use of the Person or Persons to whom such Interest shall be then due, until the same, together with the Costs and Charges of recovering and receiving the said Profits or Proceeds or other Monies, shall be fully paid and



satisfied, and after such Interest and Costs shall have been paid and satisfied the Power or Authority of such Receiver for the Purposes aforesaid shall cease and determine, or otherwise the Interest so due and unpaid as aforesaid may be sued for and recovered, with Costs, by Action of Debt in any of His-Majesty's Courts of Record at *Westminster*.

### **XVIII. Creditors not to vote**

Provided always and be it further enacted; That no Person to whom any such Mortgage or Assignment, shall be made or transferred as aforesaid shall be deemed a Proprietor of any Share, or shall be capable of acting or voting as such at any Meeting of the said Company by reason or on account of his or her having advanced any Money on such Mortgage or Assignment.

### **XIX. In case Mortgages are paid off, Power to raise the Amount again**

And be it further enacted, That in case the said Company shall raise the Whole or any Part of the additional Sum of Fifteen thousand Pounds by Mortgage, Assignment, or Charge as aforesaid, and shall afterwards be required or shall be desirous to pay off or shall have paid off all or any Part of the Principal Sum so raised or borrowed upon Mortgage, Assignment, or Charge as aforesaid, then and in every such Case it shall be lawful for the said Company, immediately, or at any Time or Times thereafter, again to raise, in lieu of the Principal Money so paid off or to be paid off by them, such Sum or Sums of Money as they shall from Time to Time have paid off or be required or be desirous to pay off, to the Holders of such Mortgages; or Assignments, or any of them; or any Part thereof, and so from Time to Time as often as the same shall happen, but so nevertheless that the said Company shall not in any Event borrow upon Mortgage or Assignment in such Manner or to such Extent as that more than the Sum of Fifteen thousand Pounds in the Whole shall be owing, at any One Time on Mortgage or Assignment of or as a Charge upon the said Undertaking.

### **XX. Application of Money to be raised**

And be it further enacted, That all the Money to be raised by the said Company by virtue of this Act shall be laid out and applied, in the first place, in paying and discharging all Costs and Expences incurred in applying for, obtaining, and passing this Act, and all other Expences, preparatory or relating thereto, and the Remainder, of such Money shall be applied, in and towards purchasing Lands, Tenements, and Hereditaments, and making and maintaining, the said Cemetery and other Works by this Act authorized to be made, and in otherwise carrying this Act into execution.

### **XXI. Company empowered to build a Cemetery**

And be it further enacted, That it shall be lawful for the said Company and they are hereby empowered to make and maintain a Cemetery or Burial Ground for the Interment of the Dead, in such open Situation adjacent to the Metropolis as they shall think fit, and lay out and to embellish the same in and with such Paths, Walks, Avenues, Roads, Trees, Shrubs, and Plantations as, may be fitting and proper, and to cause the said intended Cemetery or Burial

Ground to be inclosed with proper and sufficient Walls, Rails, Fences, Palisades, Gates, and Entrances.

## **XXII. Company empowered to build Chapel, &c.**

And be it further enacted, That it shall be lawful for the said Company, and they are hereby empowered, to make, erect, and build, on such Parts of the Land so to be purchased as they shall think proper, a convenient and suitable Chapel; for the Reception of the Dead immediately previous to Interment, and for the Purpose of performing therein the Burial Service according to the Established Form of the United Church of *England* and *Ireland*, and also such and so many covered Porches or Colonnades, and Catacombs and Vaults for private or public Burial Places; and such other Building or Buildings, Matters and Things, and for such Purposes as the said Company shall think proper.

## **XXIII. Company may contract for the Works to be done**

And be it further enacted, That it shall and may be lawful for the said Company, in the Name of the said Company or of such Person or Persons as they shall for that Purpose appoint, to contract and agree with any Person or Persons for making and completing the said intended Cemetery, and for planting, levelling, and laying out the same, and for enclosing the same with Walls, Fences, Pales, and Palisades, and for providing proper Materials for all or any of the Purposes aforesaid, and for doing all or any of the Works hereby authorized, or any Part or Parts thereof respectively; and the said Company may take such Security for the Performance of such Contract as to them shall seem necessary.

## **XXIV. Company may compound for Breach of Contract**

And be it further enacted, That it shall be lawful for the said Company, or such Person or Persons as they shall appoint to enter into such Contracts for the Time being, from Time to Time, as they shall think fit, to compound and agree with any Person or Persons on account of any Breach or Non-performance of any Contract or Contracts, for such Sum or Sums of Money as they shall think fit.

## **XXV. Power to make Sewers from Cemetery**

And be it further enacted, That it shall be lawful for the said Company, and they are hereby authorized and empowered, from Time to Time and at all Times, to make and sink all necessary and proper Sewers, Soughs, Ditches, and Drains in and about the said Cemetery, for the Purposes of conveying the Water from the same and keeping the same dry, and from Time to Time, as Occasion may require, and under the Direction of the Commissioners of Sewers for the City and Liberty of *Westminster* and Part of the County of *Middlesex*, for the Limits of *Holborn* and *Finsbury* Divisions, the Parish of *Saint Leonard Shoreditch* and the Liberty of *Norton Folgate*, and for the *Tower Hamlets* (excluding *Saint Katherine's* and *Blackwall Marsh*), in the said County of *Middlesex*, to make, lay, and communicate with any Branch or Main Sewer already made or hereafter to be made, doing as little Damage as possible to the Ground or the Streets or Places whereon such Sewers or Drains may be made,

and replacing and closing the same, and otherwise making the same in the same State and Condition as it was previously to its being disturbed, or as near thereto as possible.

## **XXVI. Cemetery to be consecrated**

And be it further enacted, That so much and such Part of the said Land or Ground so to be purchased as aforesaid as shall be set apart for the Interment of the Dead according to the Rites and Usages of the United Church of *England* and *Ireland*, when consecrated by the Bishop of the Diocese for the Time being, shall for ever thereafter be set apart and be used and applied exclusively for the Purpose of Christian Burial.

## **XXVII. Company to pay a Fee on Interment of Persons removed from certain Parishes**

And be it further enacted, That upon the Interment of pay every Person within the consecrated Part of the said Cemetery, who shall appear by the Books of the Company to have been removed for the Purpose of Interment from any of such of the Parishes within the Weekly Bills of Mortality as are within the Diocese of *London*, or from the Parishes of *Saint Mary-le-bone*, *Saint Pancras*, *Paddington*, or *Saint Mary Abbots*, *Kensington*, the said Company shall pay unto the Incumbent for the Time being of the Parish from which such Person shall be so removed the Fees following; (that is to say,) in case such Person shall be interred within any Vault, Catacomb, or Brick Grave, the Fee of Five Shillings; and in case such Person shall be interred in the open Ground, the Fee of One Shilling and Sixpence.

[Non-textual amendment by section 4(1)(a) of the 1937 Act]

## **XXVIII. Larger Fee payable to the Rector or Mary-le-bone**

And whereas by virtue of several Acts for constituting Four District Rectories in the Parish of *Saint Mary-le-bone* the Rector thereof was deprived of a large Portion of his Income, arising from Surplice Fees, and the Burial Fees of the whole Parish, (excepting those arising from Interments in the Vaults under the District Churches of *Christ Church* and *Trinity*,) were expressly reserved him for a Compensation for the said Deprivation, and it is therefore expedient that a larger Fee on certain Interments should be paid to such Rector than to the Incumbents of the other Parishes hereinbefore mentioned; be it therefore enacted, That so long as the Burial Grounds of the said Parish shall be used by such Parish for the purpose of Interment, the said Company shall pay unto the Reverend *John Hume Spry*, Doctor of Divinity, the present Rector of the said Parish, or other the Rector for the Time being of the said Parish, upon the Interment of every Person within the consecrated Part of the said Cemetery who shall appear by the Books of the Company to have been removed for the Purpose of Interment from the said Parish of *Saint Mary-le-bone*, in case such Person shall be interred within; any Vault, Catacomb, or Brick Grave, the Sum of Two Shillings and Sixpence, in addition to the Fee of Five Shillings hereinbefore; made payable in respect of such Interment.



## **XXIX. Company to keep Accounts of such Fees and allow Inspection thereof**

And be it further enacted, That for the Purpose of ascertaining the Amount of Fees which shall be so payable to the Incumbents of several Parishes aforesaid the said Company shall and they are hereby required to cause a Book or Books to be kept, and clear, regular, and distinct Entries to be made therein of the Names of all Persons interred within the consecrated Part of the said Cemetery who shall have been removed for the Purpose of Interment from such of the Parishes within the Bills of Mortality as are within the Diocese of *London*, or from the Parishes of *Saint Mary-le-bone*, *Saint Pancras*, *Paddington*, and *Saint Mary Abbots*, *Kensington*, and the Names of the Parishes from which such Persons respectively shall have been so removed, and the Mode of their Interment within the said Cemetery, (distinguishing whether in a Vault, Catacomb, or Brick Grave, or in the open Ground,) together with the Date of such Interment; and such Book or Books shall be at all reasonable Times open to the Inspection of the Incumbents for the Time being of the said several Parishes, upon Payment to the said Company of the Sum of One Shilling for every such Inspection.

[Non-textual amendment by section 4(1)(b) of the 1937 Act]

## **XXX. Penalty on refusing Inspection**

And be it further enacted, That in case the said Company, or the Person with whom any such Book or Books shall be deposited, or who shall have the Custody thereof, shall refuse or neglect to produce such Book or Books for the Purpose of Inspection as aforesaid at all reasonable Times, or shall not on any reasonable Demand permit any such Incumbent as aforesaid to inspect the same, the said Company, or the Person or Persons so offending, shall for every such Offence forfeit and pay the Sum of Two Pounds, to be recovered in a summary Way by Information or Complaint before any One or more of His Majesty's Justices of the Peace for the County of *Middlesex*.

## **XXXI. Company to account for Fees Half-yearly**

And be it further enacted, That the said Company shall and they are hereby required Twice in every Year, that is to say, on the twenty-fifth Day of *March* and the Twenty-ninth Day of *September*, to cause an Account to be made up of all Fees, if any, payable by the said Company to the Incumbents of the several Parishes aforesaid, and of the Sum payable in respect of each such Parish; and the said Company shall, at the Expiration of One Calendar Month next thereafter, deliver, upon Demand, to the Incumbent of each of such Parishes, or to such Person as he shall appoint, a Statement in Writing of the Sum payable to such Incumbent, with the Names of the several Persons in respect of whose Interment the Fees are paid, and the Mode of their Interment, whether in a Vault, Catacomb, or Brick Grave, or in the open Ground, and shall at the Time of the Delivery of such Account, or at any Time thereafter, upon Demand, pay to every such Incumbent, or to such Person as he shall appoint, the full Amount of the Sum which upon the Statement of such Account shall appear to be due by the Company.

[Non-textual amendment by section 4(1)(c) of the 1937 Act]

### **XXXII. Company may require Evidence of Identity of Incumbent**

And be it further enacted, That before the Incumbent of any of such Parishes as aforesaid shall be entitled to receive the Fees payable to him by the said Company by virtue of this Act, it shall be lawful for the said Company to require, and they shall be entitled to receive, satisfactory Evidence that the Person claiming such Fee is actually the Incumbent of the Parish in respect of which the Fees are claimed.

*[Non-textual amendment by section 4(1)(d) of the 1937 Act]*

### **XXXIII. Fees to be paid to the Incumbent for the Time being**

And be it further enacted, That all Fees payable by the said Company by virtue of this Act shall be paid to the Incumbent for Time being of the Parish in respect of which the same are payable, notwithstanding he may not have been the Incumbent thereof at the Time the Interment took place for which such Fee is paid, or at the Time when the half-yearly Settlement of Accounts was made; and the Receipt of the Incumbent for the Time being shall be an effectual Discharge to the said Company for the Fees payable by them by virtue of this Act.

### **XXXIV. Incumbent for the Time being to account with his Predecessors**

Provided always, and be it further enacted, That upon the Cession, Resignation, Removal, or Death of the Incumbent of any of to the Parishes in respect of which Fees are payable by the said Company by virtue of this Act, such Incumbent, his Executors, Administrators, or Assigns, shall be entitled to receive so much of the Sum payable at the half-yearly Day of Settlement of Accounts which shall happen next after such Cession, Resignation, Removal, or Death, as shall, have accrued for such Fees from the last preceding Day of Settlement of Accounts or from the Time when such Incumbent became first entitled in fact or by relation of Law to receive the Fruits of his Living (as the Case may require), up to the Day of such Cession, Resignation, Removal, or Death, and the Incumbent who shall be appointed in his Place shall and may have, receive, and retain the Residue of the said Sum ; and the Incumbent of any Parish who shall receive from the said Company any Sum which in pursuance of the Directions herein-before contained is to be divided as aforesaid shall account for the same with the preceding Incumbent, his Executors, Administrators, or Assigns, and pay over *the* same-to him or them accordingly, and the said Company shall not be liable to see to the Application thereof; and in like Manner the Incumbent for the Time being of any Parish in respect of which any Arrears of Fees are payable by the said Company shall upon the Receipt duly account for and pay over the same unto the preceding Incumbent, his Executors, Administrators, or Assigns, or other the Person or Persons entitled thereto; and the Company shall not be answerable or accountable to any Person or Persons, other than the actual Incumbent for the Time being, for the Payment of any Fees or Arrears of Fees under or by virtue of this Act.

### **XXXV. Books of the Company to be Evidence**

And be it further enacted, That the Books herein-before directed to be kept by the said Company for the Purpose of ascertaining the Amount of Fees payable to the Incumbents of

the several Parishes ; shall be conclusive Evidence of the Facts therein stated; and the said Company shall not be liable to give, nor shall any such Incumbent as aforesaid be entitled to require, any other Evidence of the Amount of the Sum payable to him for Fees under the Authority of this Act than the Entries in such Books.

#### **XXXVI. Minister to be appointed**

And be it further enacted, That there shall be a Clergyman of the United Church of *England* and *Ireland* to officiate as Minister at the said Cemetery, who shall be from Time to Time nominated and appointed by the Directors of the said Company, and shall be licensed by and be subject to the Jurisdiction of the Bishop of the Diocese for the Time being; and every Person who shall accept the Office or Place of Minister to the said Cemetery, and shall officiate as such, without being so licensed as aforesaid, shall, for every Time that he shall officiate as Minister after such Appointment, and before he shall be so licensed, forfeit the Sum of One hundred Pounds, to be recovered, with full Costs of Suit, by Action of Debt, Bill, Plaint, or Information in, any of His Majesty's Courts of Record at *Westminster*, wherein no Essoign, Protection, Wager of Law, or more than One Imparance, shall be allowed; and the said Bishop shall have Power to revoke summarily and without Process any such Licence, and to remove such Minister, for any Cause which shall appear to the said Bishop to be good and reasonable, subject nevertheless to an Appeal to the Archbishop of the Province of *Canterbury*, and to be determined in a summary Manner.

#### **XXXVII. Duties of Minister**

And be it further enacted, That the Minister so licensed to officiate at the said Cemetery shall and he is hereby required to reside in such Dwelling House as the Directors of the said Company shall from Time to Time appoint, and to perform in Person, when required, unless prevented by Sickness, or other reasonable Cause to be approved of by the Bishop of the Diocese for the Time being the Burial Service within the consecrated Part of the said Cemetery, according to the established Usage of the United Church of *England* and *Ireland*.

#### **XXXVIII. Any Clergyman may officiate**

And be it further enacted, That it shall and may be lawful for any Clergyman of the Established Church, at the Request of any Party or Parties, and with the Consent of the said Minister so to be licensed to the said Cemetery, to perform the said Burial Service at the said Cemetery.

#### **XXXIX. A Stipend to be paid to the Minister**

And be it further enacted, That the said Company shall and may by and out of the Monies to be received by virtue of this Act, allow to the Minister of the said Cemetery for the Time being such a Stipend or Salary as they shall think fit, the said Salary to be payable on the Twenty-fifth Day of *-March* and the Twenty-ninth Day of *September* in each and every Year, by equal Portions; and a due Apportionment of the said-Stipend or Salary shall from Time to Time be made between any Minister resigning or being removed, or the Executors or Administrators of any Minister of the said Cemetery dying in the Interval between the half-yearly Days of



Payment, and the Successors of the Minister so resigning, being removed, or dying, for and in respect of the Half Year wherein such Resignation or Death shall happen.

#### **XL. Mode of recovering Minister's Stipend**

And be it further enacted, That if Default shall be made in the payment of the Stipend or Salary of the said Minister, or any part thereof, or any Apportionment thereof, to the Minister for the Time being, or to the Executors or Administrators of a deceased Minister, or to any Minister who may have resigned, for the Space of Twenty Days next after any of the Days of Payment whereon the same ought to be paid, it shall be lawful for such Minister, and his Executors and Administrators, or for the Minister so resigning, to sue for and recover the same, with full Costs of Suit, against the said Company, by Action of Debt or upon the Case in any of His Majesty's Courts of Record at *Westminster*, wherein no Essoign, Protection, or Wager at Law, nor more than One Imparlance, shall be allowed.

#### **XLI. Directors to appoint Clerk and Sexton**

And be it further enacted, That it shall be lawful for the said Directors from Time to Time to nominate and appoint such Person or Persons as they shall think fit to act as Clerk and Sexton in the said Cemetery, and also from Time to Time to displace and remove such Clerk and Sexton, or either of them, at their Will and Pleasure; and the Wages or Stipends of such Clerk and Sexton shall from Time to Time be fixed and settled by the said Directors, and such Clerk and Sexton shall and may from Time to Time use the like Methods for the Recovery of their respective Stipends or Wages as are by this Act given to the Minister of the said Cemetery for the Recovery of his Stipend or Salary; and every such Clerk and Sexton shall, unless prevented by Sickness or other sufficient Cause, regularly attend and perform his Duty at the said Cemetery whenever required for that Purpose, or, in default thereof, lose and forfeit all Right and Claim to his Wages or Stipend.

#### **XLII. Part of the Cemetery may be set apart for the Interment of Foreigners and others not Members of the Church of England, which part shall not be consecrated**

And whereas it is expedient that some Part of the said Cemetery should be set apart and appropriated for the Interment of foreigners and other Persons, for whom, as not being Members of the Church of *England*, no Place of Burial is by Law appropriated; be it therefore enacted, That it shall be lawful for the said Company, and they are hereby authorized and empowered, to set apart a Portion of the intended Cemetery as a Place, of Burial or Interment for Foreigners and other Persons, not being Members of the United Church of *England* and *Ireland* as by Law established; and such Portion of the said intended Cemetery shall not be consecrated, but the same shall nevertheless be forever set apart and appropriated and exclusively used for the Interment of the Dead; and it shall be lawful to inter the Bodies of the Dead in such unconsecrated Part of the said Cemetery in such Manner in all respects as the Friends and Relatives of the Person or Persons so to be interred shall think fit; and in default of any Direction by the Friends or Relatives of the Person or Persons so to be interred, then in such Manner as the said Company shall think fit and appoint:

Provided always, that every such Burial shall be conducted in a decent and solemn Manner, and under such Regulations and Restrictions as the said Company shall think fit to impose.

### **XLIII. Company may sell exclusive Rights of Burial in Vaults in Perpetuity, or for a limited Period**

And be it further enacted, That it shall be lawful, for the said Company, and they are hereby authorized and empowered, from Time to Time and at all Times, from, and after the passing of this Act, to sell and dispose of, to any Person or Persons who may be willing or desire to purchase or acquire the same, and at or for such Price or Prices or Sum or Sums of Money, and under such Regulations and Restrictions, and subject to such Conditions, as the said Company shall think proper to require, the exclusive Right of Burial or Interment, either in Perpetuity or for a limited Period, as may be agreed upon, in all and every or any of the Vaults, Catacombs, Arches, Brick Graves, Graves, and Places of-Burial which may be from Time to Time or at any Time erected, made, or built by the said Company within the said Cemetery or any Part thereof; and also the Right and Privilege of erecting and making of any Family or other Vault, Catacomb, Brick Grave, or Place of Burial within the said Cemetery, with the exclusive Right of Burial or Interment therein, either in Perpetuity or for a limited Period; and also the Right or Privilege of single Interment in any of the Vaults, Catacombs, Arches, Brick Graves, Graves, or other Places of Burial made or constructed by the said Company, or in the open Ground of the said Cemetery; and also the Right and Privilege of erecting and placing any Monument or Cenotaph in the said Cemetery, or any Monument, Tablet, or monumental Inscription on or against the Walls of the said Chapel, or other Place appropriated by the said Company for the Reception of Monuments, Tablets, or monumental Inscriptions; and also the Right and Privilege of placing any Grave Stone or Slab of Stone or Marble or other Material, or Foot Stones or Head. Stones, upon or to any Grave in the said Cemetery; and every such Purchaser and Purchasers of the exclusive Right of Interment or Burial, whether in Perpetuity or for a limited Period, in any such Catacomb, Vault, or Burial Place, his or her Heirs, Executors, Administrators, or Assigns, shall, and he, she, or they is and are hereby required, immediately upon the Completion of such-Purchase, to close the Entrance of each such Catacomb, Vault, or Place of Burial with good and substantial Doors, to the Satisfaction of-the said Company, under the Penalty of Ten Pounds.

### **XLIV. Company to keep Cemetery in repair**

And be it further enacted, That the said Company shall, by and out of the Monies to be received by virtue of this Act, keep the said Cemetery, and the said Chapel, and the Several Buildings thereon and therein, and the external Walls and Fences thereof, and all other Parts of the same, in thorough and complete repair.

### **XLV. Form of Grant of exclusive Right of Burial in Vaults, &c.**

And be it further enacted, That the Conveyance of the exclusive Right of Burial or Interment in all such Vaults, Catacombs, Brick Graves, Graves, and Places of Burial, and of the Right and Privilege of erecting and making of any Family Vaults, Catacombs, Brick Graves, Graves, or Places of Burial, with the exclusive Right of Burial or Interment therein, either in Perpetuity or for a limited Period, and of the Right and Privilege of erecting of any Monuments or Cenotaphs,

shall be under the Common Seal of the said Company, and shall and may be made in the Words or to the Effect following, with such Variations therein as the Circumstances of the Case may render necessary; (that is to say,)

'BY virtue of an Act passed in the Second Year of the Reign of His Majesty King *William* the Fourth, intituled [*here insert the Title of this Act*], We, the General Cemetery Company, incorporated by and under the said Act, in consideration of the Sum of                      to us in hand paid by                      , do hereby grant and convey unto the said                      the exclusive Right of Burial and Interment [*or, as the Case may be, the Right and Privilege of erecting and making, and the exclusive Right of Burial or Interment when made,*] in all [*here describe the Vault, Catacomb, or Place of Burial, or the Ground intended for the Construction of a Vault, Catacomb, or Place of Burial, or for the Erection of a Monument or Cenotaph, as the Case may be, so as to identify the same*']; to hold the same to the said                      in Perpetuity [*or for the Period agreed upon\**], for the Purpose of Burial [*as the Case may be*], subject to such Rules, Orders, and Regulations as have been or shall from Time to Time hereafter be made by the said Company for the Management and Regulation of the said Cemetery, and the Catacombs or Vaults therein.'

And every such Conveyance so made shall be good, valid, and effectual, both at Law, and in Equity, without Words of Inheritance, Limitation, or Representation, to vest the exclusive Right of Burial or Interment in the Catacomb, or Vault described therein, or to be erected or made in pursuance thereof, in the Person or Persons purchasing the same, and his or their Personal Representatives, Legatees, and Assigns, in Perpetuity, or for the Period agreed upon, without any Faculty whatever, subject to the; Payment of such Fees as may be by the Rules and Regulations of the said Company from Time to Time payable, on the Interment of any Corpse in such Vault or Cemetery, and subject also, to such Rules, Orders, and Regulations as shall from Time to Time be made by the said Company for the better Regulation of the said Cemetery and the Vaults and Catacombs thereof;

#### **Memorial of every Grant to be entered in a Book by the Clerk**

and an Entry or Memorial of every such Grant or Assignment, containing the Date thereof, and the Names of the Parties, with their proper Additions, to whom the same shall have been made, with a sufficient Description of the Vault or Catacomb, or of the Piece of Ground for the Erection of a Vault or Catacomb, comprised therein, so as to identify the same, and the Amount of the Sum paid for the Purchase thereof, shall within fourteen Days after the Date thereof, be entered in some Book to be kept by the Clerk of the Company, for which the said Clerk shall receive such Sum as the said Company shall think fit, not exceeding the Sum of Two Shillings and Sixpence, and which Book may be perused at all reasonable Times by any of the Proprietors, of the said Undertaking, without Fee or Reward, and by any Purchaser or intended Purchaser from the original or any intermediate Purchaser thereof upon Payment of the Sum of Two Shillings and Sixpence to the Clerk of the said Company.

### **XLVI. Exclusive Right of Burial in Vaults may be disposed of by the Persons purchasing the same.**

And be it further enacted, That the exclusive Right of Burial or Interment in any Vault, Catacomb, and-Burial Place which shall be so purchased as aforesaid, and after such



Purchase shall have been conveyed to the Purchaser or Purchasers thereof in the Manner herein-before directed, shall, if in Perpetuity, be considered as a Personal Inheritance, and shall and may, whether granted in Perpetuity or for a limited Period, be sold and disposed of and assigned in his or their Lifetime, or bequeathed by his or their last Will and Testament; and every such Assignment or Disposition, except by Will, may be made in the Form or to the Effect following:

#### **Form of derivative Assignment**

« I                      of                      in consideration of the Sum of                      paid to me by                      , do hereby bargain, sell, and, assign unto the said                      the exclusive Right of Burial or Interment in all [*here describe the Vault, Catacomb, or Burial Place*], which was granted to me [or unto "A. B. of                      in Perpetuity (*or as the Case may be*), by the General Cemetery Company, by a Deed bearing Date the                      Day of                      and all my Estate, Title, and Interest therein or thereto; to hold the same unto the said                      , his Personal Representatives, Legatees, and Assigns, in Perpetuity [*or, as the Case may be; for the Remainder of the Period for which the same was granted by the said Company*], subject to the same Conditions as I held the same immediately before the Execution hereof. Witness my Hand and Seal, this                      Day of                      .»

And every such Assignment, if made in the Form or to the Effect aforesaid, shall be valid and effectual in the Law, without Enrolment, and without Words of Inheritance, Limitation or Representation, to vest the exclusive Right of Burial, or Interment in the said Vault or Catacomb in the Purchaser thereof, his Personal Representatives, Legatees, and Assigns, either in Perpetuity or for the Remainder of the Period for which the same was originally granted; free from all Claims whatever by or from the Person making or executing the same, or any Person claiming through, under, or in Trust for him.

### **XLVII. Derivative Assignments to be registered**

And be it further enacted, That every derivative Assignment of the exclusive Right of Burial or Interment in any Vaults, Catacomb, or Grave in the said Cemetery, and also every Will by which the exclusive Right of Burial or Interment in any Vault or Grave in the said Cemetery shall be devised, shall, if a Deed, within Twenty-eight Days after the Execution thereof if executed in *England*, or within Twenty-eight Days after the Arrival thereof in *England* if executed elsewhere, the Time of such Arrival to be verified by an Affidavit made and sworn to by some respectable Person before any of His Majesty's Justices of the Peace, or before any Master or Master Extraordinary-in Chancery, which Affidavit shall be delivered to and left with the Clerk of the said Company, and if a Will, then within Twenty-eight Days after the Probate thereof, be produced to the Clerk of the said Company, who shall cause an Entry or Memorial to be made thereof in the same Manner as of the original Grant, for which the said Clerk shall be paid such Sum as the said Company shall think fit, not exceeding the Sum of Two Shillings and Sixpence; and after such Entry or Memorial made every such Assignment shall entitle the; Person to whom the same shall be made, his Personal Representatives, Legatees, and Assigns, to the full Benefit thereof; and it shall not be in the Power of the Person who shall have made such Assignment to make void or vacate the same.

**XLVIII. No Interment to be made in a Private Vault without the Consent of the Owner**

Provided always, and be it further enacted, That before any Corpse other than that of the Person for the Time being entitled as Owner to the exclusive Right of Burial therein shall be permitted to be interred in any Vault, Catacomb, or Brick Grave, or in any Place of Burial the exclusive Right of Burial or Interment wherein shall have been sold or granted by the said Company as a Family or Private Burial Place, it shall be lawful for the said Company to require, and they shall be entitled to have produced to them, satisfactory Evidence that the Person for the Time being entitled as Owner to the exclusive Right of Burial or Interment in such Vault, Grave, or Burial Place has consented to such Interment taking place therein.

**XLIX. Company may take down Monuments, &c. which have been erected contrary to Condition**

And be it further enacted, That it shall be lawful for the said Company to take down and remove any Monuments, Cenotaphs, Tablets, Monumental Inscriptions, Grave Stones, and other Erections which shall have been erected or built contrary to the Terms and Conditions upon which Permission to erect or construct the same was granted, or in case such Terms and Conditions shall not have been complied with; and also to enter upon and resume the Possession of any Grave or Vault, or other Burial Place, in which the Interest of the Purchaser of the exclusive Right of Sepulture therein shall have ceased or determined, or become forfeited for Non-compliance with the Rules, Orders, and Regulations of the said Company:

Provided always, that in case of such Resumption of Possession or Re-entry the said Company the Bodies which may have been interred in any such Vault or Burial Place shall not be disturbed.

**L. No Burials in Vaults except in Lead Coffins**

And be it further enacted, That it shall not be lawful to bury any Corpse within any Vault under the said Chapel, or within any Vault or Catacomb which may be erected within the said Cemetery, unless the same shall be enclosed in a Coffin of Lead, or otherwise enclosed in Pitch of Half an Inch in Thickness between an interior and exterior Coffin of Wood.

**LI. Register of Burials**

And be. it, further enacted, That all Burials within the said Cemetery, as well in the consecrated as unconsecrated Part thereof, shall be registered in Register Books to be provided by the said Company, and kept for that Purpose, according to the Laws in force for keeping Registers in that Part of the United Kingdom of *Great Britain and Ireland* called *England*, by the Registrar of the said Cemetery, or other Officer appointed to that Duty by the Directors, and such Register Books, or Copies or Extracts therefrom, shall be received in all Courts of Law and Equity as Evidence of such Burials; and Copies or Transcripts thereof, signed by the Registrar or other Person appointed to keep such Registers, and also by the Clerk of the said Company, shall be from Time to Time transmitted and sent, to the Registrar of the Ecclesiastical Court of

the Bishop of the Diocese, to be kept and preserved with the Copies of the other Register Books of the Parishes within his Diocese.

## **LII. ... General Meetings of Company**

[There shall be a General Annual Meeting of the said Company once in every calendar year and also such and so many Special General Meetings of the said Company as shall be convened in manner hereinafter provided; of which said General Meetings and Special General Meetings Ten Days Public Notice at the least shall be given by Advertisement in some one London newspaper and by notice delivered personally or by post at the last known or usual address of each proprietor on the register of the Company and every such Notice of a Special General Meeting shall specify the Purpose for which such Special General Meeting is called; and such General Meetings and Special General Meetings of the said Company, may be adjourned from Time to Time, and from Place to Place, as shall be found expedient.]

*[Substituted by section 18 of and the Schedule to the 1937 Act]*

## **LIII. General Meeting to appoint Treasurer and Clerk**

And be it further enacted, That the said Company shall at some General Meeting elect a Treasurer or Treasurers, and One or more Person or Persons as Clerk or Clerks, for transacting the Business of the said Company; and it shall be lawful for the said and Company, at any subsequent General Meeting or Special General Meeting, from Time to Time to remove and displace any such Treasurer or Clerk, or any Persons who shall be thereafter elected to their respective Offices, and to elect, in manner aforesaid, any other Person, to act as Treasurer, or other Person or Persons to act as Clerk or Clerks of the said Company, in the Room of such of the said Officers as shall die or resign, or be removed from their respective Offices; and it shall be lawful for the said Company to allow such Salaries or other Emoluments to the said Officers or either of them as they shall from Time to Time think proper and appoint:

Provided always, that the said Company shall and they are hereby required to take sufficient Security from every Person who shall be appointed Treasurer of the said Company, and from every Receiver, Collector, and Other Officer appointed by them or by the said Directors, having the Custody or Controul of any Monies received by virtue of this Act, for the faithful Execution of his Office, before he shall enter thereupon.

## **LIV. Clerk not to be Treasurer, and vice-versa**

Provided also, and be it further enacted, That it shall not be lawful for the said Company to appoint any Person who may be appointed their Clerk in the Execution of this Act, or the Partner of such Clerk, or any Clerk or other Person in the Service or Employment of such Clerk or of his Partner, to be the Treasurer for the Purposes of this Act, or to appoint any Person who may be appointed Treasurer, or the Partner of such Treasurer, or any Clerk or other Person in the Service or Employment of such Treasurer or of his Partner, to be the Clerk to the said Company for the Purposes of this Act; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person, being the Partner of such Clerk or the Clerk or other Person in the Service or Employ of such Clerk or of his Partner,



shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer or in any Manner officiate for the Treasurer, or being the Treasurer or Partner of such Treasurer, or the Clerk or other Person in the Service or Employ of such Treasurer or of his Partner, shall accept the Office of Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any Treasurer shall hold any Place of Profit or Trust under the said Company other than that of Treasurer, every Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

#### **LV. No Money to be issued without an Order**

And be it further enacted, That no Sum or Sums of Money shall be issued by the Treasurer or Treasurers, or other Officer or officers to be appointed by the said Company, on account of the said Company, without an Order or Orders in Writing signed by Three at least of the Directors.

#### **LVI. General Meetings may make Bye Laws.**

And be it further enacted, That the said Company shall have full Power and Authority from Time to Time to make such Bye Laws, Rules, and Orders as to the said Company shall seem right and proper, as to the Interment of Bodies within the said Cemetery, and the decent and orderly Conduct of Persons attending Funerals, or employed in ordering and conducting the same, and for the good Government of the Officers and Servants of the said Company, and for regulating the Proceedings and reimbursing the Expences of the said Directors, and for the general Management of the said Undertaking in all respects whatsoever, and from Time to Time to alter or repeal such Bye Laws, Rules, and Orders, or any of them, and to make others, and to impose and inflict such reasonable Fines and forfeitures upon all Persons offending against the same, as to the said Company shall seem meet, not exceeding the Sum of Five Pounds for any Offence, such Fines and Forfeitures to be levied and recovered as other Penalties and Forfeitures may by this Act be levied and recovered; which said Bye Laws, Rules, and Orders shall be reduced into Writing under the Common Seal of the said Company, and so many and such Part thereof as shall impose any Fine or Penalty on any Person or Persons not being a Proprietor or Proprietors of the said Undertaking, shall be fairly printed on Paper, or painted upon a Board, and shall be hung up and fixed and continued in some conspicuous Part of the said Cemetery, or in the Chapel thereof and shall from Time to Time be removed as often as the same or any Part thereof shall be obliterated or destroyed; and such Bye Laws, Rules, and Orders, so made and reduced into Writing under the Common Seal of the said Company, shall be binding upon and be observed by all Parties, as well Proprietors as others, and shall be sufficient in all Courts of Law or Equity to justify all Persons who shall act under the same;

provided that such Bye Laws or Orders be not repugnant to the Laws of that Part of the United Kingdom of *Great Britain* and *Ireland* called *England*, or to any of the Provisions in this Act contained; and all such Bye Laws, Rules, and Orders shall be subject to Appeal in manner herein-after mentioned.

## **LVII. The First General Meeting to choose Directors**

*[Repealed by section 16(4) of the 1937 Act]*

## **LVIII. General Meetings to consist of not less than [seven persons]**

[If at any General Meeting, or if at any Special General Meeting, there shall not be seven persons present within One Hour from the Time appointed for such Meeting, no Choice of Directors shall be made, nor shall any Business be done, but in such Case there shall be another Meeting of the said Company at the same Place at the Expiration of Seven Days then next; and if at such adjourned Meeting there shall not be seven persons present, within One Hour from the Time appointed for such adjourned Meeting, such adjourned Meeting shall stand adjourned to the Seventh Day next following, and so from Time to Time as often as the Case shall happen, until at some Adjournment of such General Meeting there shall be a sufficient Number of Proprietors present as last aforesaid, when the Meeting shall proceed to Business; and the Directors for the Time shall continue to act and have the same Powers as they had and were possessed of until new Directors shall be appointed as aforesaid.]

*[Substituted by section 18 of and the Schedule to the 1937 Act]*

## **LIX. Notice of adjourned Meetings**

[Notice of every adjourned Meeting shall be given by Advertisement in some one London newspaper and by notice delivered personally or by post at the last known or usual address of each proprietor on the register of the Company.]

*[Substituted by section 18 of and the Schedule to the 1937 Act]*

## **LX. Service of Directors**

*[Repealed by section 16(4) of the 1937 Act]*

## **LXI. Five Directors to form a Quorum**

*[Repealed by section 16(4) of the 1937 Act]*

## **LXII. For supplying Vacancies among the Directors**

And be it further enacted, That when and so often as any Director elected by virtue of this Act shall die, or shall resign become disqualified or incompetent, to act as Director, or shall cease to be a Director from any other Cause than that of going out of Office by Ballot or Rotation as aforesaid, it shall be lawful for the remaining Directors to elect some other Proprietor duly qualified to be a Director; and every such Proprietor so elected to fill up any such Vacancy shall continue in Office so long only as the Person in whose Place or Stead he may be elected, would have been entitled to continue had he lived and remained in Office.

### **LXIII. Auditors may be appointed**

And be it further enacted, That at such First General Meeting of the said Company to be held as herein-before mentioned, or at some Meeting to be held by Adjournment from such General Meeting, [*repealed by section 17(5) of the 1937 Act*] Persons [*repealed by section 17(5) of the 1937 Act*] shall be elected and chosen Auditors of the said Company, by whom the Report of the Receipts and Disbursements of the Company, to be prepared by the Directors of the said Company previously to the holding of the Annual General Meetings of the said Company as herein-after is provided, shall be examined; and the Accounts from which such Report shall or ought to have been drawn shall be audited by the said Auditors, or any Two of them; and in order thereto the said Auditors, or any Two of them, shall, with the Assistance of the Treasurer and Clerks and other Officers of the said Company, inspect and examine all the Books, Papers, and Vouchers of the said Company which they shall think necessary; and after a careful Examination of such Report with such Books, Papers, and Vouchers, and correcting or altering the same if necessary, such Auditors or any Two of them shall, previously to the Day on which such Annual General Meeting is to be held at which such Report must be produced, sign their Names at the Foot thereof in Testimony of their Approbation of the same:

Provided always, that in case the said Auditors or any Two of them shall in the Exercise of their Discretion, think it fitting or. necessary to make any Observations upon. any Part of the Accounts of the said Company produced to them, or shall disapprove of the Manner in which such Accounts are kept, they shall subjoin such Observations or Disapprobation to the said Report, and shall sign the same.

### **LXIV. Service of Auditors**

[*Repealed by section 17(5) of the 1937 Act*]

### **LXV. For supplying Vacancies among the Auditors**

[*Repealed by section 17(5) of the 1937 Act*]

### **LXVI. Directors and Auditors to be re-eligible**

Provided always, and be it further enacted, That every Director and Auditor who shall by Ballot or Rotation go out of Office as aforesaid, may be immediately or at any future Time re-elected by the said Company a Director or Auditor of the said Company.

### **LXVII. No Person holding Office to be a Director or an Auditor.**

Provided always, and be it further enacted, That no Person holding any Office, Place, or Employment, or being concerned or interested in any Contract under the said Company, shall be capable of being chosen, or, being chosen, of continuing a Director or Auditor of the said Company; nor shall any Director or Auditor be capable of accepting any Office, Place, or Employment, or of taking or being concerned or interested in any Contract under the said Company, during the Time he shall be a Director or Auditor of the said Company.

**LXVIII. If any Director or [Proprietor] Auditor [to become] disqualified, his Office to be vacant**

[If any Director shall after his Election cease to hold Fifty Shares at the least in his own Right in the Capital of the Company, or if any Proprietor Auditor after his Election or Appointment shall cease to hold Ten Shares in his own Right in the capital of the Company, his Office shall thereupon become vacant.]

*[Substituted by section 18 of and the Schedule to the 1937 Act]*

**LXIX. Proprietors may remove Directors and Auditors for Misconduct**

Provided always, and be it further enacted, That it shall be lawful for the Proprietors of the said Company, at any Special General Meeting summoned for the Purpose, to remove from his Office, any Director or Auditor, for Misconduct in Office, or other reasonable Cause.

**LXX. Chairman and Deputy Chairman of Directors to be appointed**

And be it further enacted, That the Directors or the Majority of the Directors present at the first Meeting of Directors which shall be held next after the first Appointment of Directors; and so at the first Meeting of Directors which shall be held *next* after the General Meeting in the Month of *June* in each and every Year, or at the first Meeting held next after the Election of the Three new Directors in the Place of the like Number of Directors hereby required to go out of Office by Ballot or Rotation as aforesaid, shall choose out of the Directors of the said Company a Chairman and Deputy Chairman of the said Company for the Year ensuing:

Provided always, that when and so often as the Chairman or Deputy Chairman to be chosen by virtue of this Act shall die, or resign, or become disqualified, or otherwise cease to be a Director, it shall be lawful for the Directors in like Manner, at the Meeting to be held next after such Vacancy shall occur, to choose some other of the said Directors to be Chairman or Deputy Chairman; and every such Chairman or Deputy Chairman so to be chosen as last aforesaid to fill such Vacancy shall continue in his Office so long only as the Person in whose Place or Stead he may be so elected would have been entitled under the Provisions of this Act to continue if such Death, Resignation, Disqualification, or Cesser had not happened.

**LXXI. Directors or Auditors contracting for Works, &c. after Election disqualified**

Provided always, and be it further enacted, That if any Person who shall be elected a Director, or be elected or appointed an Auditor of the said Company, shall at any Time subsequently to his Election or Appointment accept or continue to hold any other Office or any Place of Trust or Profit under the said Company or shall, either directly or indirectly, be concerned in any Contract for any Article to be used or consumed by the said Company, or shall offer to take and proceed in taking, or shall participate in any Manner in any Work to be done for the said Company, every such Person shall thereby become disqualified from acting as Director or Auditor, and his Office shall thereupon become vacant.



## **LXXII. At Meetings of the Company, Chairman or Deputy Chairman to preside**

And be it further enacted, That at all General Special Meetings of the said Company the Chairman, and in his Absence the Deputy Chairman of the said Company, or, in the Absence of both Chairman and Deputy Chairman, some one of the Directors of the said Company, to be chosen at such Meeting, or in the Absence of all Directors some Proprietor to be chosen at such Meeting, shall preside as Chairman.

## **LXXIII. Powers and Duties of Directors**

And be it further enacted, That the Directors for the Time being shall have the Custody of the Common Seal of the said Company, with Power to use the same on the Behalf of the said Company, and shall have full Authority to meet, and adjourn, from Time to Time and from Place to Place, and also at any Time to call Special and General Meetings of the said Company for any Purpose they may think proper, and also (subject to the Provisions of this Act), to appoint the Times and Places of holding General or Special General Meetings; and all Questions, Matters, or Things which shall be discussed or considered at any Meeting of Directors shall be determined by the Majority of the Directors then present; and no Director, although possessed of many Shares in the said Undertaking, shall have more than One Vote at any such Meeting, except the Chairman of such Meeting, who, in case of an equal Division, shall always have a Second or Casting Vote as such Chairman; and such Directors shall have full Power and Authority to do all Acts whatever which the said Company are by this Act authorized to do (except as herein-after mentioned) for the Management and Direction of the Affairs of the said Company, and for that Purpose to purchase Lands, Tenements, and Hereditaments for the Purposes of this Act, and to sell Lands, Tenements, and Hereditaments hereby authorized to be sold, and to appoint and displace all Officers and Servants of the said Company, (except the Treasurer and Clerk, herein-before directed to be appointed by a General Meeting of the said Company,) and to allow to such Officers and Servants such Salaries, Gratuities, or Recompences as to the said Directors shall seem proper; and upon the Death, Resignation, or Removal of any of the said Officers or Servants, from Time to Time to appoint others in their respective Places, and also to make Contracts and Bargains touching the said Undertaking, and to regulate the Mode of Interment in the said Cemetery, and the Disposition of Vaults, Catacombs, and Graves, and of the Sums to be paid for the Purchase of the exclusive Right of Burial or Interment therein, or for the Right or Privilege of making or erecting Vaults and Graves, and of the Sums to be paid for single Interments, and for the Privilege of placing Monuments or Tablets in the said Chapel or in any other Part of the said Cemetery, and to do and transact all other Matters and Things, which shall be requisite to be done and transacted for the Direction and Management of the Affairs of the said Company; and the said Directors may require and take such Security to the said Company from any Officer or other Person, for the faithful Execution of his Duty, as they may think proper; and the said Directors shall in all Things obey the Orders and Directions of the General and Special General Meetings of the said Company.

#### **LXXIV. Meetings of Proprietors may be specially convened**

[Any Ten or more Proprietors of the said Company, holding in the aggregate Fifty Shares or upwards in the said Undertaking, upon which all Calls actually previously made shall have been paid and satisfied, may at any Time, by Writing under their Hands left at the Office of the said Company require the Directors of the said Company to call a Special General Meeting of Proprietors of the said Company, so as such Requisition fully express the Object for which such Special General Meeting is required to be called; and in case of Neglect or Refusal of the said Directors to call such Meeting for the Space of Twenty-one Days next after such Notice in Writing shall have been so given as aforesaid, the same may be called by such Ten or more Proprietors, by giving Fourteen Days Notice thereof in some one London newspaper and by notice delivered personally or by post at the last known or usual address of each proprietor on the register of the Company and the said Company are hereby authorised to meet in pursuance of such Notice, and such of the Proprietors thereof as shall be present shall proceed to the Execution of the Powers by this Act given to the said Company with respect to the Matters so specified in such Notice; and all Acts of the major Part in Votes of the Proprietors of the said Company, met together at any such Special General Meeting, shall be as valid, with respect to the Matters specified in such Notice, as if the same had been done at a General Meeting held at the Time hereinbefore appointed for holding the same.]

*[Substituted by section 18 of and the Schedule to the 1937 Act]*

#### **LXXV. Business at Special and adjourned General Meetings**

And be it further enacted, That no Business shall be transacted at any Special General Meeting other than the Business for which it shall have been called; and no Business shall be transacted at any adjourned General or adjourned Special General Meeting Meetings other than the Business left unfinished at the Meeting from which such Adjournment took place.

#### **LXXVI. Notice of Meetings, how to be given**

[All Notices herein directed to be given of any General or Special General Meeting of the Proprietors of the said Company, or of any Adjournment thereof respectively, or to any of the said Proprietors, and not herein otherwise provided for, shall be signed by the Chairman or Deputy Chairman of the said Company, or by the Proprietor who may be elected Chairman at any such Meeting, or by the Clerk of the said Company, and shall be given by Advertisement inserted in some one London newspaper and by notice delivered personally or by post at the last known or usual address of each proprietor on the register of the Company; and such Notices, when so published and given, shall be deemed **and** considered **the** same as if personally served.]

*[Substituted by section 18 of and the Schedule to the 1937 Act]*

#### **LXXVII. Orders and Proceedings to be entered in a Book**

And be it further enacted, That the Orders and Proceedings of every Meeting, as well General as Special, of the said Company and of the said Directors, shall be entered in distinct and

proper Books to be provided and kept for that Purpose, and shall be signed by the Chairman of each respective Meeting; and such Orders and Proceedings, when so entered and signed, shall be deemed original Orders and Proceedings, and shall be allowed to be read in Evidence in all Courts, and before all Judges, Justices,; and others, and that without Proof of such Meeting having been duly convened, or of the Persons making or entering such Orders or Proceedings being Proprietors or being Directors, as the Case may be.

#### **LXXVIII. Directors to cause Accounts to be kept**

And be it further enacted, That the said Directors shall cause proper Books to be kept by a Book-keeper or Book-keepers, or by some other fit and sufficient Person or Persons who shall be expressly appointed by the said Directors for that Purpose; and such Book-keeper or Person or Persons shall enter or cause to be entered in the said Books true and regular Accounts of all Sums of Money which shall have been disbursed and paid; and such Books shall at all reasonable Times be open to the Inspection of any of the Proprietors of the said Company, or of any Creditor for any Money to be borrowed under this Act, without Fee or Reward; and the said Proprietors or any Creditor shall and may take Copies of or Extracts from the said Books or any of them, or of any Part thereof respectively, without paying any thing for the same; and in case the said Book-keeper or other Person or Persons shall refuse to permit or shall not permit the said Proprietors or any such Creditor to inspect any such Book or Books, or to take such Copies or Extracts as aforesaid, such Book-keeper or other Person or Persons shall forfeit and pay any Sum not exceeding Twenty Pounds, to be levied and applied in the same Manner as other Penalties are by this Act directed to be levied and applied.

#### **LXXIX. Officers to account**

And be it further enacted, That every Officer and Person who shall be employed by virtue of this Act shall from Time to Time, when thereunto required by the said Company or by the said Directors, make out and deliver to the said Company or the said Directors, or to such Persons as they shall respectively for that Purpose appoint, a true and perfect Account, in Writing under his or her Hand, of all Monies which shall have been by him or her received by virtue of this Act, stating how and to whom and for what Purpose the same shall have been disposed of, together with Vouchers and Receipts for such Payments ; and every such Officer or Person shall pay all such Monies as upon the Balance of such Account shall appear to be owing from him or her to the Treasurer of the said Company, or to such Persons as the said Company or Directors shall appoint to receive the same ; and if any such Officer or Person shall refuse or neglect to render such Account, or to produce and deliver up such Vouchers and Receipts relating to the same, or to pay the Balance thereof, when required in manner aforesaid, or shall refuse or neglect to deliver up to the said Company or to the said Directors, or to such Person as they respectively shall appoint, within Three Days after being thereunto required by the said Company or by the said Directors, or by such other Persons as last aforesaid, all Books, Papers, Vouchers, and Writings in his or her Custody or Power, relating to the Execution of this Act, then and in every such Case, Complaint being made thereof by the said Company or by the said Directors, or by any other Person on their Behalf, to any Justice of the Peace for the County or Place in which such Officer or Person shall be or reside, such Justice may and he is hereby required, by Warrant under his Hand and Seal, to cause such Officer or Person to be brought before him, and upon his or her appearing, or not being to be found, to hear and

determine the Matter of such Complaint in a summary Way, and settle the said Account, if produced, in such Manner as the said Company or the said Directors might have done; and if upon the Confession of the Officer or Person against whom such Complaint shall be made, or by the Oath of any credible Witness or Witnesses, it shall appear to the Justice that any of the Monies which shall have been collected or received shall be in the Hands of or be owing by such Officer or Person, such Justice may and he is hereby empowered, upon Nonpayment thereof, by Warrant under his Hand and Seal to cause such Money to be levied by a Distress and Sale of the Goods of such Officer or Person ; and if no Goods or Chattels shall be found sufficient to answer and satisfy the said Money, and the Charges of taking and making such Distress, and of selling the same, or if such Officer or Person shall not appear before such Justice at the Time and Place appointed for that Purpose, or appearing shall not make out and deliver to such Justices such Accounts in Writing as aforesaid, or produce and deliver to the said Justice the several Vouchers and Receipts relating to such Accounts, or deliver up such Books, Papers, and Writings aforesaid, then and in any of the Cases aforesaid the said Justice may and he is hereby required, by Warrant under his Hand and Seal, to commit such Officer or Person to some Common Gaol or House of Correction of or for the County or Place in which such Officer or Person shall live or reside, there to remain, without Bail or Mainprize, until he shall have made and delivered such Accounts, and have delivered up the Vouchers and Receipts, if any, relating thereto, and have delivered up such Books, Papers, and Writings, if any, as aforesaid, and shall have paid all the Money which shall appear to be in the Hands of or owing from him or her, and the reasonable Charges of such Distress and Sale as shall in that respect have been made, or until he or she shall have compounded with the said Company or with the said Directors for such Money and Charges, and have paid the Composition Money to the said Company or to the said Directors, (and which Composition the said Directors are hereby respectively empowered to make,) or have given Satisfaction in respect of such Vouchers, Receipts, Books, Papers, and Writings, to the said Company or to the said Directors:

Provided always, that no Person who shall be committed for Want of sufficient Distress only shall by virtue of this Act be detained in Prison for any longer Space, of Time than Six Calendar Months.

#### **LXXX. Directors to cause a Report of Receipts and Disbursements to be annually laid before the Proprietors**

And be it further enacted, That the said Directors shall, so as the same may be practicable, cause to be prepared, previously to and to be produced at the Annual General Meeting to be held in the Month of *June* in the Year One thousand eight hundred and thirty-three, a Report, signed by Two at least of the Auditors of the Company, of the Receipts and Disbursements of the Company from the Commencement thereof up to that Time, and of the Particulars and Amount of the Funds or Property of the Company ; and also a Report, under the Hands of the Chairman or Deputy Chairman, or some One of the Directors of the said Company, of the State and Condition of the Company; and shall also, so far as the same may be practicable, cause to be prepared, previously to and to be produced at every Annual General Meeting to be held after the Annual General Meeting in the Month of *June* in the Year One thousand eight hundred and thirty-three, a Report, signed by Two at least of the Auditors of the Company, of such of the Receipts and Disbursements of the Company up to that Time as shall not have

been included in any preceding Report, and the Particulars and Amount of the Funds or Property of the Company, and also a Report, under the Hand of the Chairman or Deputy Chairman, *or* some One of the Directors of the Company, of the State and Condition of the Company.

**LXXXI. Such Report when confirmed, shall be binding, unless some Error discovered within Six Months**

And be it further enacted, That the Report which in pursuance of the Directions herein-before contained is to be produced by Directors at every Annual General Meeting, after the same shall have been approved of, either by the Meeting at which it shall have been produced or at any subsequent General Meeting, and signed by the Chairman of the Meeting in testimony of such Approval, shall be binding and conclusive on all the Proprietors of the said Company, unless some manifest Error, and to the Amount of Fifty Pounds, shall be discovered therein, by any One or more of the Proprietors of the Company within Six Calendar Months after such Approval; and such Report, when such Error shall have been rectified by the Directors (which they are hereby required to do without Delay), shall be binding and conclusive on all the Proprietors.

**LXXXII. Annual Meeting may examine accounts**

Provided always, and be it further enacted, That notwithstanding the Examination of the Accounts of the Company by the Auditors it shall be competent to any Annual General Meeting to call for and examine the Accounts of the said Company and of the Directors, and of the Treasurer, Receiver, or Collectors and other Officers of the said Company, and deal therewith as they shall think fit.

**LXXXIII. Directors may appoint temporary Treasurer or Clerk**

And be it further enacted, That in case any Treasurer or Clerk of the said Company shall die, or be removed from or quit the Service of the said Company, the said Company shall at their next Annual General Meeting fill up such Vacancy, and in the meantime it shall be lawful for the Directors of the said Company to appoint some other fit and proper Person to execute such Office in the Place of the Person who shall so die or be removed from or quit the Service of the said Company; and whenever any such new Appointment shall be made by the said Directors, the same shall only continue until the next Annual General Meeting of the said Company, when the Appointment of such Person to such Office shall either be confirmed, or such other fit Person be appointed to succeed to such Office as the Proprietors present at such Meeting shall think proper.

**LXXXIV. Clerk of the Company to keep Lists of the Proprietors**

And be it further enacted, That the Clerk of the said Company shall, in some proper Book to be provided by the said Company for that Purpose, enter and keep a true Account of the Locality or Places of Abode of the several Proprietors of the said Undertaking, whether Corporations or Individuals, and of the several Bodies and Persons who shall from Time to Time become Proprietors thereof or be entitled to any Share therein; and every Proprietor of



the said Undertaking, or, in the Case of a Corporate Body, by their Clerk or Agent, being duly appointed, may at all convenient Times have recourse to and peruse the same *gratis*, and may demand and have Copies thereof or any Part thereof, paying at and after the Rate of Sixpence for every One hundred Words so to be copied; and if any such Clerk of the Company hereby incorporated shall refuse to permit any such Proprietor or Agent as aforesaid to peruse such Book at all convenient Times, or refuse to make such Copy within a reasonable Period, at the Rate aforesaid, he shall for every such Offence forfeit and pay the Sum of Five Pounds for the Benefit of the said Undertaking.

#### **LXXXV. Directors empowered to make Calls.**

[The said Directors shall have power from Time to Time to make such Calls of Money from the Subscribers to and Proprietors of the said Undertaking, to defray the Expenses of or carry on the same, as they from Time to Time shall find necessary for those Purposes, so that no such Call shall exceed the Sum of Five Pounds upon each Share which any Person shall or may be possessed of or entitled to in the said Undertaking; and such Calls shall not be made but at the Distance of Three Calendar Months at the least from each other, and Twenty-one Days Notice at the least shall be given of all such Calls by Advertisement in some one London newspaper and by notice delivered personally or by post at the last known or usual address of each proprietor on the register of the Company; which Money so called for shall be paid to such Persons and in such Manner as the said Directors shall from Time to Time order and appoint; and every Owner or Proprietor of any Share in the said Undertaking shall pay his or her rateable Proportion of the Money to be called for as aforesaid to such Persons and at such Times and Places as the said Directors shall from Time to Time direct and appoint; and if any Owner or Proprietor of any such Share shall not so pay such his or her rateable Proportion, then and in such Case, and so often as the same shall happen, such Owner or Proprietor shall pay Interest for the same after the Rate of Five Pounds per Centum per Annum from the Day appointed for the Payment thereof, up to the Time when the same shall be actually paid; and if any Owner or Proprietor of any such Share shall neglect or refuse so to pay his or her rateable Proportion, together with Interest, if any, accruing for the same, for the Space of Two Calendar Months after the Day appointed for the Payment thereof as aforesaid, then it shall be lawful for the said Company or for the said Directors to sue for and recover the same in any Court having competent jurisdiction; or the said Company or the said Directors may and they are hereby authorised to declare the Shares belonging to any Person so refusing or neglecting to pay any such Call, together with Interest, in manner last aforesaid, to be forfeited, and to direct the same to be sold, subject to the Provisions of this Act:

Provided nevertheless, that no Advantage shall be taken of any Forfeiture of any Share in the said Undertaking until Notice in Writing under the Hand of the Clerk or Treasurer of the said Company, of such Share having been declared by the Directors forfeited, shall have been given or sent by the Post to, or left at the last known Place of Abode of the Proprietor of such Share or of the Clerk of such Corporation, as the Case may require, nor until the Declaration of Forfeiture thereof by the said Directors shall have been confirmed either at an Annual General Meeting of the said Company, or at a Special General Meeting of the said Company to be called for that Purpose and to be respectively held after the Expiration of Three Calendar Months at the least from the Day on which such Notice of Forfeiture shall have been given or sent as aforesaid; and after such Forfeiture shall have been confirmed by such Annual or

Special General Meeting, the said Company, by the same or any other Annual or Special General Meeting, shall have Power to direct the said Directors to dispose of the Shares so forfeited, and the said Directors may and they are hereby authorised in that Case to sell and dispose of such Shares at Public Auction or by Private Treaty, and together or in Lots, or in such other Manner and for such Price as they may think fit; and an Affidavit, sworn to by some credible Person not interested, before any Justice of the Peace, or Master of the Supreme Court of Judicature (Chancery Division) stating that such Call had been made by the said Directors, and such Notice thereof as aforesaid given, and that such Default as aforesaid had been made in Payment thereof, in respect of the Share or Shares so sold, and that the same Share or Shares had been declared to be forfeited, and such Declaration had been confirmed in manner aforesaid, shall be sufficient Evidence of the Facts therein stated; and the Purchaser or Purchasers of such Share or Shares shall not be bound to see to the Application of his or their Purchase Money, nor shall his, her, or their Title to such Share or Shares be affected by any Irregularity in proceeding to such Sale.]

*[Substituted by section 18 of and the Schedule to the 1937 Act]*

**LXXXVI. If Purchase Money of such Shares shall be more than sufficient to pay the Arrears of Calls, Surplus to be paid to the Defaulter.**

Provided always, and be it further enacted, That in case the Money produced by the Sale of any such Share or Shares as shall be forfeited by reason of the Nonpayment of any Call, or the Interest thereon, as herein authorized, shall be more than sufficient to pay all such Arrears of Calls as aforesaid, and the Interest thereon as aforesaid and the Expences attending the Sale thereof, the Surplus of such Purchase Money shall be paid, on Demand, to the Party to whom such forfeited Share shall have belonged:

Provided also, that the said Company or the said Directors shall not by virtue of this Act sell or transfer more of the Shares of such Defaulter in Payment of Calls than shall be sufficient, or as near as may be, at the Time of such Sale, to pay the Arrears due from such Defaulter for or on account of such Call, and the Interest and Expences attending the same; and from and after the Payment of such Call, and the Interest and Expences aforesaid, any Share or Shares vested in the said Company as aforesaid which shall remain in their Hands unsold shall revert to and again become the Property of the Party to whom such Share or Shares shall have belonged immediately before such Forfeiture as aforesaid, in such Manner as if such Call had been duly paid.

**LXXXVII. Proceedings in Actions for Calls.**

And be it further enacted, That in any Action to be brought by the said Company or by the said Directors against any Proprietor of any Share or Shares in the said Undertaking, to recover any Money due and payable to the said Company or to the said Directors for' or by reason of any Call made by virtue of this Act, it shall be sufficient for the said Company or the said Directors to declare and allege that the Defendant, being a Proprietor of a Share or so many Shares in the said Undertaking, is indebted to the said Company or to the said Directors in such Sums of Money-as the Calls in arrear shall amount to, for so many Calls of such Sums

of Money upon such Share or so many Shares belonging to- the said Defendant, whereby an Action hath accrued to the said Company or to the said Directors by virtue of this Act, without setting forth the special Matter; and on the Trial of such Action it shall only be necessary to prove that the Defendant at the Time of making such Calls was a Proprietor of some Share or Shares in the said Undertaking, and that such Calls were in fact made, and that Notice thereof was given as is directed by this Act, without proving the Appointment of the Directors who made such Call or Calls, or any other Matter whatsoever; and the said Company or the said Directors, Plaintiffs therein, shall thereupon be entitled to recover what shall appear due (including Interest computed as aforesaid) in respect of such. Calls, unless it shall appear that any such Call exceeded Five Pounds for every Share of Twenty-five Pounds, or was made within the Space of Three Calendar Months from the last preceding Call, or without Notice given in some Three or more *London* Newspapers as aforesaid; and in order to prove that such Defendant was a Proprietor of some Share or Shares in the said Undertaking, as alleged, the Production of the Book in which the Clerk of the said Company is by this Act directed to enter and keep the Names and Additions of the several Proprietors of the Shares in the said Undertaking, with the Number of Shares they are respectively entitled to hold, and of the Locality or Places of Abode of the several Proprietors of Shares in the said Undertaking, and of the several Persons and Bodies who shall from Time to Time become Proprietors thereof, or be entitled to any Share therein, shall be *prima facie* Evidence that such Defendant is a Proprietor, and of the Number or Amount of his Shares therein.

#### **LXXXVIII. For ascertaining the Proprietorship of Shares in certain Cases**

And whereas in Cases in which any Proprietor of any Share or Shares in the said Undertaking shall die, become insolvent or bankrupt, or go out of the Kingdom, or shall transfer his or her Right and Interest therein to some other Person, and no Register shall have been made of the Transfer thereof with the Clerk of the said Company, it may not be in the Power of any Officer acting for the said Company to ascertain who is the Proprietor of such Share or Shares, in order to give him or her, or his or her Executors, Administrators, Successors, or Assigns, Notice of Calls to be made on such Share or Shares, or to maintain any Action, Suit, or other Proceeding against him or them, or his or her Executors, Administrators, Successors or Assigns, for the Recovery of the same; be it therefore further enacted, That in all Cases where the Right of Property in any Share or Shares in the said Undertaking shall pass from the original Subscriber or any Proprietor thereof to any other Person, or to any Body Corporate, by any other legal Means than by a Transfer or Conveyance thereof in the Form and Manner herein specified, or herein otherwise provided, an Affidavit shall be made and sworn to by some credible Person before any of His Majesty's Justices of the Peace, or before any Master or Master Extraordinary in the High Court of Chancery, stating the Manner in which such Share hath passed or been transferred to such other Person, or to such Body Corporate; and such Affidavit shall be delivered to and be left with the Clerk of the said Company, to the Intent that he may preserve the same, and enter and register the Name of every such Proprietor, or the Description of every such Body Corporate, in the Register Book or List of Proprietors of the said Undertaking to be kept in the Office of the said Company; and in all or any of the said Cases, after Twenty-one Days Notice in Writing shall have been given by the said- Directors, under the Hand of the Clerk or Treasurer of the said Company, to the Person or Corporation stated or claiming in such Affidavit to be the Owner or Owners of such Share, or left at the last

or usual Place of Abode of such Person, or of the Clerk of such Corporation (as the Case may require), to pay his, her; or their Proportion, of Money to be called for, and such Person or Corporation shall not have paid such his or her or their Proportion as aforesaid, it shall be lawful for the said Company, at any General Meeting or Special General Meeting after the Expiration of such Notice, to declare such Shares to be forfeited; and in such Case the same shall become forfeited, and shall and may be disposed of in such Manner, on such Evidence of Title, *mutatis mutandis*, and with such Powers, and with such Indemnity to Purchasers, as in other Cases of Sales of Shares forfeited for the Nonpayment of Calls, or such Shares shall otherwise become consolidated in the general Fund of the said Company ; and in case there shall be no such Affidavit made as aforesaid, then such Notice as is herein-before directed to be given shall be served upon or left at the last Place of Abode of the Executors or Administrators of such Proprietor so dying, or of the Assignees or Trustees of such Proprietor so becoming bankrupt or insolvent, or, in the Event of the Share or Shares being disposed of as aforesaid, of the last Proprietor appearing in the Books of the said Company to have been possessed of the same ; and in case the last or usual Place of Abode of such Proprietor cannot be ascertained upon Enquiry, such Notice shall be inserted once in the *London Gazette*; and in case any Proprietor shall go out of the Kingdom, such Notice shall be inserted in the *London Gazette* as aforesaid; and in all such Cases, and after such Notices, on Default being made, the said Shares shall be forfeited, and shall and may be sold, or otherwise become consolidated in the general Fund of the said Company in manner aforesaid; and the like Evidence of Title, *mutatis mutandis*, shall be sufficient in any Sale, and the like Indemnity to the Purchaser or Purchasers shall exist as in other Cases of Sales for Nonpayment of Calls;

provided that in Cases of Proprietors being Abroad the Shares shall not be forfeited until the Expiration of Six Calendar Months after the Day on which Notice shall have been left at their last usual Place of Abode in *England*, and inserted in the *London Gazette* as aforesaid.

#### **LXXXIX. Proprietors in arrear not to vote.**

Provided always, and be it further enacted, That no Proprietor of any Share on which any Call made shall remain unpaid shall at any Meeting of the Proprietors of the said Company be allowed to vote, either personally or by Proxy, until the Money payable in respect of such Share pursuant to such Call shall have been fully paid, although the Time limited for Payment thereof may not have expired.

#### **XC. Shares may be sold.**

And be it further enacted, That it shall be lawful for the several Proprietors of any Share or Shares in the said Undertaking, and his, her, or their respective Executors or Administrators, from and after Payment of the Sum of Fifteen Pounds *per* Share by him, her, or them, on any Share or Shares holden by him, her, or them in the said Undertaking, but not before, to sell and dispose of any such Share or Shares in respect of which he, she, or they shall have so paid the Sum of Fifteen Pounds, subject to the Rules and Conditions herein mentioned and provided; and the Form of Conveyance of Shares may be in the following Words, or to the like Effect, varying the Names and Descriptions of the contracting Parties as the Case may require; (that is to say,)

### Form of Transfer of Shares

"I                      of                      , in consideration of                      paid to me by                      of                      , do hereby assign and transfer to the said                      Share [or Shares, as the Case may be,] numbered                      , of and in the Undertaking called "The General Cemetery Company," upon which Share [or upon each of which Shares] the Sum of                      hath been paid ; to hold the same unto the said                      his or her Executors, Administrators, and Assigns, subject to the same Conditions as I held the same immediately before the Execution hereof; and I the said                      do hereby agree to accept and take the said Share [or Shares] subject to the same Conditions. As witness our Hands and Seals, the                      Day of                      ."

And on every such Sale the said Deed or Conveyance, being executed by the Seller or Sellers, and the Purchaser or Purchasers of such Share or Shares, shall be kept by the Clerk of the said Company, who shall enter in some Book to be kept for that Purpose: a Memorial of such Transfer and Sale, and indorse the Entry of such Memorial on the said Deed of Sale or Transfer, for which Entry and Indorsement the Sum of Two Shillings and Sixpence, and no more, shall be paid by the Purchaser or Purchasers to the said Clerk ; and the said Clerk is hereby required to make such Entry or Memorial accordingly, and, upon Request, to indorse a Memorial of such Transfer on the Back of the Certificate of each Share so sold, and deliver the same to the Purchaser, for his or her Security, for which Indorsement the Sum of Two Shillings and Sixpence, and no more, shall be paid; and until such Memorial shall have been made and entered, as herein declared, such Purchaser or Purchasers shall have no Part or Share of the Profits of the said Undertaking, nor any Interest for such Share or Shares paid to him, her, or them, nor any Vote or Votes in respect thereof as a Proprietor or Proprietors of the said Undertaking.

### **XCI. No Shares to be sold till Calls are paid**

And be it further enacted, That no Person shall sell or transfer any Share which he or she shall possess in the said Undertaking, after any Call shall have been made by the said Directors for any Sum of Money in respect to such Share, unless he or she, at the Time of such Sale or Transfer, shall have paid or discharged to the Treasurer of the said Company, or to such Person or Persons as the said Directors shall appoint to receive the same, the whole and entire Sum of Money which shall have been called for in respect of each Share so sold or transferred, with any Interest due thereon.

### **XCII. Accounts to be made up annually and Dividend declared**

[The said Company, or the Directors of the said Company, shall and they are hereby required to cause a true and particular Account to be kept, and annually made up and balanced to some Day in the Month of April or May in each Year, (and also half yearly to some Day in the Month of November or December in each Year, if any General or Special General Meeting of the said Company shall from Time to Time so direct,) of the Money received by the said Company, or by the Directors or Treasurer of the said Company, or otherwise, for the Use of the said Company, by virtue of this Act, and of the Charges and Expenses attending the making, maintaining, and carrying on the said Undertaking, and of all other the Receipts and



Expenditure of the said Company or of the said Directors up to the Period at which such Account shall be made up and balanced; and at the subsequent Yearly Meeting of the Proprietors of the said Undertaking next after such Day in the Month of April or May, or at the subsequent General or Special General Meeting of the said Proprietors next after such Day in the Month of November or December, (if the said Account shall be so directed to be made up and balanced at any Day in either of the last-mentioned Months,) to be from Time to Time held as aforesaid, or at some Adjournment thereof respectively, a Dividend shall be made out of the clear Profits of the said Undertaking, unless such Meeting shall declare otherwise; and such Dividend shall be at and after the Rate of so much per Share upon the several Shares held by the Members thereof in the Joint Stock of the said Company, as such Meeting shall think fit:

Provided also, that no Dividend shall be paid in respect of any Share after a Day appointed for Payment of any Call of Money in respect thereof until such Call shall have been paid.]

*[Substituted by section 18 of and the Schedule to the 1937 Act]*

### **XCIII. Directors empowered to make Dividends at intermediate Times**

Provided always, and be it further enacted, That notwithstanding any thing herein contained it shall be lawful for the said Directors, and they are hereby empowered, to declare a Dividend or intermediate Dividends at such intermediate Time or Times between the said Times as the said Directors shall think fit, so as the other Regulations herein-before contained respecting the declaring and Payment of Dividends be not infringed.

### **XCIV. Fund for Repayment of Money borrowed to be set aside before Dividend declared**

And be it further enacted, That previously to any Dividend being declared out of the net Profits of the said Undertaking, the said Directors shall and they are hereby required to set apart One Tenth Part of such net Profits to form a Fund for the Purposes herein-after mentioned, and the remaining Nine Tenth Parts only of such Profits shall be divisible between the Proprietors of the said Company (any thing herein-before contained to the contrary notwithstanding):

Provided always, that in case the said Company shall not raise any Money upon Mortgage of the said Undertaking, or, having raised any Money, such Money shall have been all paid off, then the whole of the net Profits shall be divisible among the Proprietors.

### **XCV. Reserved Fund to be invested, and Dividends also to be invested until a certain event**

And be it further enacted, That it shall be lawful for the said Directors and they are hereby required from Time to Time to lay out and invest in the Names of Three Trustees, for and on behalf of the said Company, such Trustees to be nominated by the said Directors, such One Tenth Part of the net Profits, as and when the same may be set apart as aforesaid, in the Three Pounds *per Centum* Consolidated or Reduced Bank Annuities, or both or either of such Stocks, as the said Directors shall deem expedient, and from Time to Time to lay out and

invest the Dividends and Interest arising from such Stocks or Funds in the same Stocks or Funds, and in order that the same may accumulate at Compound Interest until the Fund so formed shall be sufficient to pay off the whole of the Money borrowed, when the Fund so accumulated shall be sold out and distributed between the said several Mortgage Creditors of the said Company in Discharge and Satisfaction of their said several Mortgage Securities:

Provided always, that nothing herein contained shall prevent the said Company from paying off and discharging, at any Time, with the Consent and Approbation of the Person lending the same, any Sum of Money borrowed upon the Security of the said Undertaking, so that the reserve Fund hereinbefore directed to be accumulated be not thereby broken in upon.

#### **XCVI. For ascertaining the Proprietorship of Shares in the Case of the Marriage or Death of the Proprietors**

And whereas by the Death of or by other after-mentioned Events happening to Proprietors, or by the Marriage of Female Proprietors of Shares in the said Undertaking, it may be difficult to ascertain to whom the Dividends arising or becoming due upon such Shares in the Shares ought to be paid; be it therefore enacted, That before any Person who shall claim any Part of the Profits of the said Undertaking in right of Marriage with any Female Proprietor shall be entitled to receive the same, or be entitled to vote in respect of any Share, an Affidavit (or solemn Affirmation by any Person of the Society of Quakers) in Writing, containing a Copy of the Register of such Marriage, or other Particulars of the Celebration thereof, and identifying the Wife as the Proprietor of the Share in respect whereof any such Claim may be made, shall be made and sworn to, or solemnly affirmed to, by some credible Person, before some Master or Master Extraordinary in Chancery, or any of His Majesty's Justices of the Peace, and shall be transmitted to the Clerk of the said Company, who shall file the same, and make an Entry thereof in the Book which shall be kept for the Entry of Transfers or Sales of Shares in the said Undertaking; and before any Person who shall claim any Part or Share of the Profits of the said Undertaking, by virtue of any Bequest or Will, or in the Course of Administration, shall be entitled to receive the same, or be entitled to vote in respect of any Share, the said Will, or the Probate thereof, or the Letters of Administration, shall be produced and shewn to the said Clerk, or a Copy of so much of such Will or of such Letters of Administration as shall relate to the Share of the Testator or Intestate (as the Case may require) shall be made and sworn to or solemnly affirmed to by the Executors of the said Will, or the Administrators of the Intestate, before some Master or Master Extraordinary in Chancery, or any of His Majesty's Justices of the Peace as aforesaid, together with an Official Extract of the Act of Court, of the Grant of Probate of such Will, or (in case of Intestacy) of the Letters of Administration, shall be transmitted to the said Clerk, who shall file and enter the same as herein-before mentioned; and in all Cases other than as herein-before mentioned, where the Right and Property of any Share in the said Undertaking shall pass from any Proprietor thereof to any other Person by any other legal Means than by a Transfer and Conveyance thereof, duly made and executed as herein-before directed, an Affidavit or solemn Affirmation in Writing shall be made and sworn to or solemnly affirmed to by some credible Person, before some Master or Master Extraordinary in Chancery, or any of His Majesty's Justices of the Peace as aforesaid, stating the Manner in which such Share hath passed or been transferred to such other Person; and such Affidavit or solemn Affirmation shall be transmitted to the Clerk of the said Company, who shall thereupon enter and register the Name of every such new Proprietor in the Register Book

or List of Proprietors of the said Company; and the said Clerk shall be entitled to receive, for each such Entry as herein-before directed, the Sum of Two Shillings and Sixpence and no more; and the said Company shall not be bound to see to the Execution of any Trust, whether expressed or constructive, to which any Share aforesaid shall be subject or liable.

#### **XCVII. Receipt of One Proprietor of Shares sufficient**

And be it further enacted, That the Receipt of the Person or any One of the Persons in whose Name or Names any Share or Shares in the said Undertaking shall stand in the Books of the said Company shall from Time to Time be a sufficient Discharge to the said Company, and to the Directors and Treasurer for the Time being of the said Company, for any Dividend or Dividends or other Sum or Sums of Money which shall become payable and be paid for or in respect of such Share or Shares, notwithstanding any Uses or Trusts upon or to which such Share or Shares shall be then settled, conveyed, or assigned.

#### **XCVIII. Declaring what shall be good Service of Notice on the Company**

And be it further enacted, That in all Cases in which it may be necessary for any Person or Corporation to serve any Summons or Demand, or any Notice, or any Writ or other Proceeding at Law or in Equity, upon the said Company, Service thereof respectively upon any Two of the Directors of the said Company, or delivering the same, to some Inmate of the last or usual Places of Abode of such Directors, or upon the Clerk or Treasurer of the said Company, or left at the Office of such Clerk or Treasurer, or delivering the same to some Inmate of the last or usual Place of Abode of such Clerk or Treasurer, or leaving a Copy or Copies thereof at the principal Office of the said Company; or, *in* case the same respectively shall not be found or known, the Service upon any other Agent of or Officer employed by the said Company, or delivering the same to some Inmate of the last or usual Place of Abode of such Agent or Officer, shall be deemed good and sufficient Service of the same respectively on the said Company.

#### **XCIX. Declaring what shall be good Service of Notice by the said Company**

And be it further enacted, That in all Cases in which it may be necessary for the said Company to give any Notice to any Corporation, or to any person whomsoever, under the Provisions or Directions contained in this Act, such Notice shall or may be in Writing, or in Print, or partly in Writing and partly in Print, and be signed by the Clerk for the Time being of the said Company, or by the Treasurer of the said Company, without being required to be under the Common Seal of the said Company; and such Notice shall be delivered to such Person, or to some Inmate of the last or usual Place of Abode of such Person, or be delivered, to some Member of such Corporation, or TO some Inmate of the last or usual Place of Abode of such 'Member, or to some Clerk or other Officer of such Corporation, or be left at the Office of such Clerk or Officer, or be delivered to some Inmate of the last or usual Place of Abode of such Clerk or Officer, except in Cases in which any other Mode of giving such respective Notices is by this Act particularly directed.

### **C. For compelling Witnesses to attend**

And be it further enacted, That if any Person who shall be summoned as a Witness to attend and give Evidence before any Justice of the Peace touching any Matter or Fact contained or involved in or affecting any Information or Complaint for any Offence committed against this Act, either on the Part of the Prosecutor or on the Part of the Party summoned or accused, shall refuse or neglect to appear at the Time and Place to be for that Purpose appointed, having been paid or tendered a reasonable Sum for his or her Costs and Expences, without a reasonable Excuse for his or her Refusal or Neglect, or appearing shall refuse to be examined upon Oath, or (in case of a Quaker, on solemn Affirmation,) to give Evidence before such Justice, then and in either of the said Cases every such Person shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

### **CI. Directors &c. empowers to grant Releases to Witnesses**

And be it further enacted, That in all Actions, Suits at Law or in Equity, and in all Proceedings under this Act, or otherwise, against or for or on behalf of the said Company, and also in all Proceedings commenced or instituted by or on behalf of the said Company, and in all Arbitrations, References, of other Proceedings in or consequent Witnesses, upon or arising out of any such Actions, Suits, or Proceedings, it shall be lawful for any Two or more of the Directors of the said Company, for and on behalf of the said Company, to make, sign, seal, execute, and deliver such general or other Release or Releases as may be or may be deemed necessary for the Purpose of exonerating, releasing, and discharging any Person who shall or may be produced as a Witness in any such Action, Suit, Prosecution, Arbitration, Reference, or other Proceeding as aforesaid, from any Claim or Demand which may be necessary to be released by the said Company, so as to qualify such Person to give Evidence as a Witness in any such Action, Suit, Prosecution, Arbitration, Reference, or other Proceeding aforesaid, and also to do any other Act, Matter, or Thing in any such Action, Suit, Prosecution, Arbitration, Reference, or other Proceeding which any Plaintiff or Defendant may do in any Action, Suit, or Prosecution; Arbitration, Reference, or other Proceeding; and every such Release, Act, Matter, and Thing shall be as valid and effectual in all respects, and to all Intents and Purposes whatsoever, as if the same were made under the Seal of the said Company.

### **CII. Costs may be recovered by Distress on Goods of the Company**

And be it further enacted, That in all Cases in which any Costs or Expences shall be payable by the said Company, and such Costs or Expences shall not be paid to the Party entitled to receive the same within Ten Days after the same shall have been demanded, the same shall and maybe levied and recovered by Distress and Sale of any Goods or Chattels of the said Company, or of the Treasurer of the said Company, (unless such Treasurer shall pay such Costs and Expences out of any Monies received by him by virtue of this Act, and which he is hereby authorized to do,) under a Warrant to be issued for that Purpose by any Justice of the Peace acting within his Jurisdiction, and not interested in the Matter in dispute; which Warrant such Justice is hereby authorized and required to issue, under his Hand and Seal, on Application made to him for that Purpose by any Party entitled to receive such Costs or Expences.

### **CIII. Persons injuring the Cemetery subject to a Penalty**

And be it further enacted, That if any Person shall wilfully or maliciously injure, cut, pull down, or break any Tree, Shrub, Plant, or Bank within the said Cemetery, or pull down, injure, or break any Railing, Palisado, Fence, or Wall of the said Cemetery, or of the Chapel or any Building within the said Cemetery, or any Window, Pillar, Door, Gate, or other external Part thereof, or any Part thereof, or shall daub, paint, or disfigure the external Walls of the said Cemetery or any Part thereof, or shall paste or affix any Bill or Bills or other Papers thereto, or shall write with Chalk or any other Matter thereupon, or shall play at Ball or at Fives upon or against the same, or shall wilfully or maliciously break or disfigure, or maim, injure, or deface, any Monument, Cenotaph, Tablet, Monumental Inscription, Grave Stone, Head or Foot Stone which shall be therein erected or placed, or obliterate or deface any Inscription thereon, without the Consent of the said Company or of the Directors first had and obtained, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds nor less than Five Shillings, and shall also make Satisfaction for the Injury by him done as aforesaid.

### **CIV. Preventing Nuisances in the Cemetery**

*[Repealed by section 4(2)(b) of the 1937 Act]*

### **CV. Proprietors may be Witnesses**

And be it further enacted, That no Person shall, in any Action, Prosecution, or other. Proceeding whatsoever relating to or concerning the Execution of this Act, be deemed an incompetent Witness on account of his being a Proprietor of the said Company) or a Director, Auditor, Treasurer, Clerk, or other Officer thereof.

### **CVI. Recovery and Application of Penalties**

And be it further enacted, That all Penalties and Forfeitures inflicted and imposed by this Act, or by virtue of any Bye Law, Rule, or Order made in pursuance thereof, (the Manner of levying and recovering whereof is not otherwise herein particularly mentioned,) may in case of Nonpayment thereof be recovered in a summary Way by the Order and Adjudication of some Two or more Justices of the Peace for the County or Place in which such Offence shall be committed, on Complaint to them for that Purpose made, and afterwards be levied (as well as the Costs, if any, of such Proceeding on Nonpayment,) by Distress and Sale of the Goods and Chattels of the respective Offenders or Persons liable to pay the same, by Warrant under the Hands and Seals of such Justices; and the Overplus (if any) of the Money so raised or recovered, after discharging such Penalty or Forfeiture, and the Costs and Expences as aforesaid, shall be returned, on Demand, to the Party or Parties whose Goods and Chattels shall be so distrained; all which Penalties and Forfeitures not herein-before directed to be otherwise applied shall be paid, One Moiety to the Informer, and the Remainder to the Treasurer of the said Company, unless such Penalties or Forfeitures shall be incurred by the said Company, in which Case the same shall be paid, One Moiety to the Informer, and the Remainder to the Poor of the Parish or Place in which such Offence shall be committed, to be applied by such Overseers for the Benefit of the Poor of such Parish or Place; and in case such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for such Justices

and they are hereby required to order the Offender or Offenders so convicted to be detained in safe Custody until Return can conveniently be made to such Warrant of Distress, unless such Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justices, for his, her, or their Appearance before such Justices, or before some other Justices of the Peace having Jurisdiction, at such Time as shall be appointed for the Return of such Warrant of Distress (such Time not being more than Eight Days from the taking of such Security, and which Security any of the said Justices are hereby empowered to take by Way of Recognizance or otherwise) j but if upon the Return of such Warrant it shall appear that no sufficient Distress could be had whereupon to levy the said Penalties or Forfeitures, and such Costs as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of such Justices, upon the Confession of the Offender or Offenders, or otherwise, that he, she, or they hath not or have not sufficient Goods and Chattels whereupon such Penalties, Forfeitures, Costs, and Expences could be levied if a Warrant of Distress should be issued, such Justices shall not be required to issue such Warrant of Distress, but in such Case it shall be lawful for such Justices, and they are hereby required, by Warrant under their Hands and Seals, to commit such Offender or Offenders to some Common Gaol or House of Correction for the County or Place within their Jurisdiction, there to remain for any Time not exceeding Three Calendar Months, or until such Penalty or Forfeiture shall be sooner paid and satisfied, together with all the Costs and Charges attending such Proceedings as aforesaid, to be ascertained by such Justices, or until such Offender or Offenders shall be otherwise discharged by due Course of Law.

## **CVII. Damages and Charges to be settled by Justices**

And be it further enacted, That in all Cases wherein Damages or Charges are by this Act directed or authorized to be paid, and the Manner of ascertaining the Amount thereof is not specified or provided for, such Amount, in case of Nonpayment thereof, or of any Dispute respecting the same, shall be ascertained and determined by some Two or more Justices of the Peace; and where by this Act any Damages or Charges are directed to be paid, in addition to any Penalty for any Offence, the Amount of such Damages and Charges, in case of Nonpayment thereof, or of any Dispute respecting the same, shall be settled and determined by the Justices by or before whom any Offender shall be convicted of such Offence; and such Justices respectively are hereby authorized and required, on Nonpayment of the Damages in any of the Cases aforesaid, to levy such Damages and Charges by Distress and Sale of the Offender's Goods and Chattels, in manner by this Act directed for the levying of any Penalties or Forfeitures.

## **CVIII. Justices may proceed by Summons for Recovery of Penalties**

And be it further enacted, That in all Cases in which by this Act any Penalty or Forfeiture is made recoverable by Information before a Justice of the Peace, it shall be lawful for the Justice of the Peace before whom Complaint shall be made for any Offence committed against this Act to summon before him the Party complained against, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, and to adjudge him or her to pay the Penalty or Forfeiture incurred, and to proceed in the Recovery of the same, although no Information in Writing shall have been exhibited before such Justice; and all such Proceedings by Summons, without Information in Writing, shall be



as good, valid, and effectual, to all Intents and Purposes, as if an Information in Writing had been exhibited.

**CIX. For securing Offenders whose Names and Places of Abode are unknown.**

And be it further enacted, That it shall be lawful for any Officer or Agent of the said Company, and all such Persons as he shall call to his Assistance, to seize and detain any Person whose Name and Place of Abode shall be unknown to such Officer or Agent, who shall commit any Offence against this Act, and to convey him or her before some Justice of the Peace for the County or Place within which such Offence shall be committed, without any other Warrant or Authority than such Act; and such Justice is hereby empowered and required to proceed immediately to the hearing and determining of the Complaint.

**CX. Forms of Information and Conviction.**

And be it further enacted, That all Justices of the Peace before whom any Person shall be informed against or convicted of or in respect of any Offence against this Act may cause the Information (whenever an Information shall be taken in Writing or in Print) and the Conviction respectively to be drawn up according to the following Form, or any other Form or Forms to the same Effect, as the Case may require; (that is to say,)

**Form of Information**

" *[County]* } BE it remembered, That on the

to wit. } Day of

of informeth me *C. D*, One of His Majesty's Justices of the  
Peace for , that of

*[here describe the Offence, and the Time and Place when and where committed,]* contrary to  
an Act passed in the Second Year of the Reign of His Majesty King *William* the Fourth, intituled  
*[insert the Title of this Act]*, which hath imposed a Forfeiture of for the said Offence.

Taken the Day of

before me, *C. D."*

**Form of Conviction**

" *[County]* } BE it remembered, That on the

to wit. } Day of in the Year of our Lord

A. is convicted before me, *C. D.*

One of His Majesty's Justices of the Peace for the County of

*[here describe the Offence, and the Time and Place when and where committed], contrary to an Act passed in the Second Year of the Reign of His Majesty King William the Fourth, intituled [here set forth the Title of this Act].*

Given under my Hand and Seal, the Day and Year first above written.”

## **CXI. Distress not unlawful for Want of Form**

And be it further enacted, That where any Distress shall be made for any Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor any Party making the same deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall such Party be deemed a Trespasser *ah initio* on account of any Irregularity which shall afterwards be committed by him; but all Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage in an Action upon the Case.

## **CXII. Persons aggrieved may appeal to the Quarter Sessions**

And be it further enacted, That all Bodies Corporate and Persons who may think themselves aggrieved by any Order or Judgment made or given in pursuance of any Bye Law, Rule, or Order of the said Company or of the said Directors, and the said Company and all other Bodies Corporate and Persons who may think themselves aggrieved by any Order or Judgment or Determination of any Justice of the Peace relating to any Matter or Thing in this Act mentioned or contained, or for which no Power of Appeal is by this Act specifically given, may, within Four Calendar Months next after such Order, Judgment, or Determination shall have been made or given, appeal to the Justices of the Peace at any General or Quarter Sessions to be held for the County and Place where the alleged Cause of Appeal shall arise, first giving Ten Days Notice in Writing of such Intention to appeal, and of the Ground and Nature thereof, to the Party against whom such Complaint is intended to be made, or to the said Company (as the Case may be); and forthwith after such Notice entering into Recognizance before some Justice of the Peace, with Two sufficient Sureties, conditioned to try such Appeal, and abide the Order and Award of the said Court thereon; and the said Justices shall in a summary Way either hear or determine the said Complaint at such General or Quarter Sessions, or, if they think proper, may adjourn the Hearing thereof to the following General or Quarter Sessions of the Peace to be held for such County or Place; and the said Justices may, if they see Cause, mitigate any Penalty or Forfeiture, and may order any Money to be returned which, shall have been levied in pursuance of such Bye Law, Rule, Order, or Determination, and may also order any such further Satisfaction to be made to the Party injured as they shall judge reasonable, and may also order such Costs to be paid to, the Party aggrieved by the Party .aggressing as they shall think reasonable.

## **CXIII. Authenticated Bye Laws to be Evidence**

And be it further enacted, That in all Cases of Prosecution for Offences against the Bye Laws, Rules, or Orders of the said Company, the Production of a written or printed Paper purporting to be the Bye Laws, Rules, or Orders of the said Company, and authenticated by having the Common Seal of the said Company affixed thereto; shall be Evidence of the Existence of such

Bye Laws, Rules, or Orders, and it shall be sufficient to prove that a printed Paper or painted Board containing a Copy of such or so many of the Bye Laws, Rules, or Orders as shall impose any Fine or Penalty on any Person or Persons, not being a Proprietor or Proprietors of the said Undertaking, hath been affixed and published in manner by this Act directed, and in case of its being afterwards displaced or damaged hath been replaced by another such Board as soon as conveniently might be, unless Proof shall be adduced by the Defendant that such printed Paper or Board is not a Copy of such Bye Laws, Rules, or Orders as aforesaid, or hath not been duly affixed and generally continued in manner by this Act directed.

#### **CXIV. Proceedings not to be quashed for Want of Form**

And be it further enacted, That no Proceeding to be had and taken in pursuance of this Act shall be quashed for Want of Form, or be removed by Certiorari, or by any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere.

#### **CXV. Limitation of Actions**

*[Repealed by section II of the 1839 Act]*

#### **CXVI. Plaintiff not to recover after Tender of Amends**

Provided also, and be it further enacted, That no Plaintiff shall recover in any Action for any Irregularity, Trespass, or other wrongful Proceeding made or committed in the Execution of this Act, if Tender of sufficient Amends shall have been made, by or on behalf of the Party who shall have committed such Irregularity, Trespass, or other wrongful Proceeding, before such Action brought; and in case no Tender shall have been made, it shall be lawful for the Defendant in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined to pay into Court such Sum of Money as he or she shall think fit; whereupon such Proceeding, Order, and Adjudication shall be had and made in and by such Court as in other Actions where Defendants are allowed to pay Money into Court.

#### **CXVII. General Power to Justices to administer Oaths**

And be it further enacted, That in all Cases where any Justice of the Peace is authorized by this Act to examine any Person, or to take cognizance of or to hear or determine any Matter or Complaint, it shall be lawful for such Justice and he is hereby required to administer an Oath to or to receive the Affirmation of any Person before he or she shall be examined by or before such Justice.

#### **CXVIII. Rules for Construction of certain Terms of Act**

And be it further enacted, That wherever in this Act any Word or Words is or are used or employed importing the Singular Number or Masculine Gender only, such Word or Words shall extend to and shall be construed to include several Persons as well as One Person, and Females as well as Males, and a Body or Bodies Politic, Corporate, or Collegiate, Corporation

or Corporations Aggregate or Sole, as well as Individuals, unless it be otherwise specially directed or provided for.

### **CXIX. Saving the Rights and Powers of the Commissioners of Sewers**

Provided always, and be it further declared and enacted, That nothing in this Act contained shall extend, or be deemed or construed to extend, to prejudice, diminish, alter, or take away any of the Rights, Powers, or Authorities vested in the Commissioners of Sewers for the City and Liberty of *Westminster* and Part of the County of *Middlesex*, for the Limits of *Holborn* and *Finsbury* Divisions, the Parish of *St. Leonard Shoreditch* and the Liberty of *Norton Folgate*, and for the *Tower Hamlets* (excluding *Saint Katharine's* and *Blackmail Marsh*), in the County of *Middlesex*, but all the Rights, Powers, and Authorities vested in them shall be as good, valid, and effectual as if this Act had not been made.

### **CXX. Public Act**

And be it further enacted, That this Act shall be deemed a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

## **SCHEDULE B. GENERAL CEMETERY COMPANY ACT 1839 (2 VIC. C. V)**

### **I. Provisions and Powers of recited Act extended to this Act.**

WHEREAS an Act was passed in the Third Year of the Reign of His late Majesty King William the Fourth, intituled An Act for establishing a General Cemetery for the Interment of the Dead in the Neighbourhood of the Metropolis: And whereas by the said Act the General Cemetery Company were authorized to raise by Subscription a Sum of Money for making and maintaining the said Cemetery and the Works belonging thereto, not exceeding in the whole the Sum of Forty-five thousand Pounds; and the said Company were further authorized, in case such Sum should be found insufficient for the Purpose, to borrow and take up at Interest any further or other Sum of Money not exceeding the Sum of Fifteen thousand Pounds by Mortgage on the Credit of the said Undertaking: And whereas the whole of the said Sum of Forty-five thousand Pounds has been subscribed for and raised, and the said Sum of Fifteen thousand Pounds has been borrowed, in pursuance of the Powers of the said recited Act: And whereas it is expedient that the said Company should be empowered to raise an additional Sum of Money, and that some of the Provisions of the said Act should be extended, amended, and enlarged, and that further and more effectual Powers should be granted to the said Company; but the Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted ; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all the Powers, Provisions, Authorities, Directions, Penalties, Forfeitures, Remedies, Regulations, Rules of Interpretation and Construction, Clauses, Matters, and Things contained in the said recited Act (except so far as the same are hereby repealed, varied, altered, enlarged, or otherwise provided for,) shall extend and be construed to extend to and shall operate and be in force for the Purposes of this Act as fully and effectually to; all Intents and Purposes as if the same had been repeated and re-enacted in this Act and were made Part thereof; and the said recited Act and this Act shall, as to all Matters and Things whatsoever, except as aforesaid, be construed as One Act.

### **II. Repealing so much of recited Act as regards the Limitation of Actions**

And be it further enacted, That so much of the said recited Act as enacts that no Action, Suit, or Information, nor any other Proceeding, should be brought, commenced, or prosecuted against any Person for any thing done or omitted to be done in pursuance of that Act unless Ten Days previous Notice in Writing should be given by the Party intending to commence and prosecute such Action, Suit, or other Proceeding to the Defendant, nor unless such Action, Suit, or Information or Proceeding should be brought or commenced within Six Calendar Months next after the Act committed, or within Six Calendar Months after the doing or committing Damage should have ceased, nor unless such Action, Suit, Information, or Proceeding should be laid and brought in the County or Place within which the Matter or Dispute or Cause of Action should have arisen, and the Defendant or Defendants in such Action, Suit, Information, or Proceeding might plead the General Issue, and give that Act and the special Matter in Evidence, at any Trial to be had thereupon, and that the Acts were done

or omitted to be done in pursuance and by the Authority of that Act, shall be and the same is hereby repealed.

### **III. Amending References to recited Act**

And whereas in the Form of the Mortgage Security, as well as in the Form of the Grant of the exclusive Right of Burial, and also in the Forms of Information and Conviction, contained in the said recited Act, and thereby directed to be used, the said Act is stated to be an Act passed in the Second Year of the Reign of His Majesty King William the Fourth: And whereas the said recited Act did not receive the Royal Assent until the Eleventh Day of July One thousand eight hundred and thirty-two, which was in the Third Year of the Reign of His said Majesty, and consequently the said Act is an Act of the Third Year of the Reign of His said Majesty, and not an Act of the Second Year of the said Reign, as incorrectly stated in the said Act: And whereas it is expedient to guard against any Doubt which may arise in consequence of such incorrect Statement; be it therefore enacted, That when and so often as it shall be necessary to have recourse to or to use any of the Forms contained in the said recited Act it shall be lawful to refer to the said Act as an Act passed in the Third Year of the Reign of His late Majesty King *William* the Fourth, any thing in the said recited Act to the contrary thereof in anywise notwithstanding,

### **IV. Power to raise additional Sums of Money by Subscription**

And be it enacted, That it shall be lawful for the said Company and they are hereby authorized and empowered from Time to Time, by an Order of any General or Special General Meeting of the said Company, to raise and contribute amongst themselves, or by the Admission of new Subscribers, or in part by each of those Means, any further Sum or Sums of Money not exceeding in the whole the Sum of Forty-five thousand Pounds, and for that Purpose to issue such and so many Shares, not exceeding in the whole Eighteen hundred Shares of Twenty-five Pounds each, and to demand such Price for the same, as the said Company shall think expedient; and the said Company are hereby authorized to fix the Amount of the Calls upon such Shares, and the Time or Times when the same shall be made, and to enforce the Payment of such Calls when made; and such new or additional Shares so to be created by virtue of this Act shall be Personal Estate, and transmissible as such, and shall or may be transferred or assigned from Time to Time, and shall and may be forfeited for Nonpayment of any of the Calls made thereon, in such and the same Manner as is provided in and by the said recited Act with regard to the Shares therein mentioned and to the Calls to be made thereon; and all Persons who shall severally subscribe for One or more of the said new or additional Shares, and shall pay such Sum or Sums of Money as shall be fixed by the said Company as the Price of such new Shares, and their several and respective Executors, Administrators, and Assigns, shall be and they are hereby declared to be Subscribers to and Proprietors of the said Undertaking to the Amount of the nominal Value of the Shares so subscribed for and paid for by them, in the same Manner and as beneficially to all Intents and Purposes as the original Subscribers, or their respective Successors, Executors, Administrators, or Assigns, are Proprietors in respect of their original Shares; and such new Subscribers and Proprietors shall be deemed to be and are hereby declared to be thenceforth united to and incorporated with the said Company, and shall respectively be entitled to and receive a proportional Part of the Profits and Advantages that shall and may arise and accrue from the said Undertaking, and



shall have a Vote or Votes in respect of such new Shares at all Meetings of the said Company of Proprietors to be held in pursuance of the said recited Act, with Power and Authority to appoint Proxies in their Room or Stead, in such Way and Manner and to the same Extent to all Intents and Purposes as is and are enacted and provided in and by the same Act with regard to the original or present Proprietors of the said Undertaking; and all such new Shares so to be created as aforesaid shall be considered as Part of the general Capital Stock of the said Company, and be under and subject to the same Provisions, Regulations, Directions, and Management in all respects and to all Intents and Purposes as if the same had been Part of the original Capital Stock of the said Company.

## **V. Power to apply the reserved Fund in Payment of Debts**

And whereas in pursuance of the Provisions of the said recited Act a Tenth Part of the net Profits of the said Undertaking hath been set aside to form a reserve fund for Payment of the Money raised by Mortgage of the said Undertaking under the Authority of the said Act: And whereas, such reserve Fund being insufficient for the immediate Payment of the Money so raised by Mortgage as aforesaid, it is expedient that a Part of the Monies to be raised under the Authority of this Act should be applied for that Purpose; be it therefore enacted, That it shall be lawful for the said Company, or their Trustees or Trustee, to sell out and convert into Money the several Stocks, Funds, and Securities constituting the reserve Fund, and to apply the Monies to arise or be produced thereby, and also any other Monies belonging to the said Fund, and also a sufficient Part of the Monies to be raised under the Authority of this Act, in paying off and discharging all and every the Sum and Sums of Money already taken up and due and owing on the Security of the said Undertaking and the Interest thereof respectively.

## **VI. In case Mortgages are paid off the Company may raise the Amount again**

And be it enacted, That nothing in this Act contained shall extend or be deemed or construed to extend to prevent the said Company, when and as soon as the Whole or any Part of the Money already raised by Mortgage of the said Undertaking shall have been paid off, from again taking up and borrowing from Time to Time, when and as they shall think it expedient so to do, on the Security of the said Undertaking, any further Sum or Sums of Money under the Authority and in pursuance of the Provisions contained in the said recited Act, so always nevertheless that the said Company shall not in any Event borrow upon Mortgage or Assignment in such Manner or to such Extent as that more than the Sum of Fifteen thousand Pounds in the whole shall be owing at one Time on Mortgage or Assignment of or as a Charge on the said Undertaking.

## **VII. Fund for Repayment of Money borrowed to be set aside before Dividends are declared**

And be it enacted, That so long as any Money which may have been borrowed or taken up by the said Company upon a Mortgage of the said Undertaking shall be due and owing on the Security thereof the Directors of the said Company shall and they are hereby required, previously to declaring any Dividend out of the net Profits of the said Undertaking, to set apart One Tenth Part of such net declared Profits to form a Fund for the Purpose of discharging

such Mortgage Debt, and the remaining Nine Tenth Parts only of such Profits shall be divisible between the Proprietors of the said Company; and that when and so soon as the whole of the Money which may at any Time have been borrowed or raised upon Mortgage of the said Undertaking shall have been paid off, then the whole of the net Profits shall be divisible among the Proprietors, until any Sum or Sums of Money shall again be borrowed upon the Security of the said Undertakings, when One Tenth Part of such net Profits shall again be set apart as hereinbefore directed, so that at all Times during the Subsistence of any Mortgage on the Security of the said Undertaking Nine-Tenths only of the net Profits of the said Undertaking shall be divisible between the Proprietors of the said Company.

#### **VIII. Reserved Fund to be invested and the Dividends to be also invested, until a certain Event**

And be it further enacted, That it shall be lawful for the said Directors and they are hereby required from Time to Time to lay out and invest in the Names of Three Trustees, for and on the Behalf of the said Company, such Trustees to be nominated by the Directors, such One Tenth Part of the net Profits, as and when the same may be set apart as aforesaid, in the Three Pounds *per Centum* Consolidated or Reduced Bank Annuities, or both or either of such Stocks, as the said Directors shall deem expedient, and from Time to Time to lay out and invest the Dividends and Interests arising from such Stocks or Funds in the same Stocks or Funds, and in order that the same may accumulate at Compound Interest, until the Fund so formed shall, either of itself or with the Aid of other Monies to be provided by the said Company for that Purpose, be sufficient to pay off the whole of the Money borrowed or for the Time being owing on the Security of the said Undertaking, when the Fund so accumulated shall be sold out, and the Proceeds thereof, together with such other Monies as aforesaid, shall be distributed between the several Mortgage Creditors of the said Company in discharge and satisfaction of their said several Mortgage Securities:

##### **Proviso**

Provided always, that nothing herein contained, shall prevent the said Company from paying off and discharging at any Time, with the Consent and Approbation of the Person lending the same, any Sum of Money borrowed upon the Security of the said Undertaking, so that the reserve Fund be not thereby broken in upon.

#### **IX. Extension of the Provisions respecting the Burials in Vaults**

And whereas it is by the said recited Act enacted, that it shall not be lawful to bury any Corpse within, any Vault under the Chapel, or within any Vault or Catacomb which may be erected within any Part of the said Cemetery, unless the same shall be inclosed in a Coffin of Lead, or otherwise inclosed in Pitch, of Half an Inch in Thickness, between an interior and exterior Coffin of Wood: And whereas it is desirable and expedient that the said recited Provisions should be enlarged and extended; be it therefore further enacted, That it shall be lawful for the said Company to bury any Corpse within any Vault under any Chapel, or within any Vault or Catacomb within the said Cemetery, if inclosed in a Coffin, formed of Stone, Asphaltum, or other Substance or Material equally efficient as if formed of Lead or Pitch and Wood as aforesaid.

## X. For preventing Nuisances in the Cemetery

And be it further enacted, That if any Person shall play at Foot-ball, or any other Game or Sport, or discharge Fire Arms other than at a Military Funeral, in the said Cemetery, or shall let off or fire any Cracker, Squib, or other Firework, or shall blow any Trumpet or Horn, or shout or holla, or make any other Noise, or shall indecently expose his Person, or shall use any obscene or indecent Expression, or shall write or describe any indecent Language or Figure upon any Wall, Tomb or Tombstone, Post or Pavement, or write upon or otherwise deface or mark with Pencil, Chalk, Paint, or any other Material whatsoever any Tomb, Tombstone, or Monument, or commit any Nuisance whatever within the said Cemetery or any Part thereof, or in any Chapel, Colonnade, Vault, or Building therein, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings nor less than Five Shillings.

*[Non-textual amendment by section 4(2)(a) of the 1937 Act]*

## XI. Forms of Information and Conviction.

And be it further enacted, That all Justices of the Peace before whom any Person, shall be informed against or convicted of or in respect of any Offence against the said recited Act or this Act may cause the Information (whenever an Information shall be taken in Writing or in Print) and the Conviction respectively to be drawn up according to the following Form, or any other Form or Forms to the same Effect, as the Case may require; (that is to say,)

### Form of Information

“ County } BE it remembered, That on the Day of  
to wit. } A. B. of  
informeth me C. D. One of Her Majesty's Justices of the Peace for  
that E.F. of

*[here describe the Offence, and the Time and Place when and where committed]*, contrary to an Act passed in the Third Year of the Reign of His Majesty King *William* the Fourth, intituled *[insert the Title of the said recited Act; or, as the Case may be,]* contrary to an Act passed in the Year of the Reign of Her Majesty Queen *Victoria*, intituled *[here insert the Title of this Act]*, which hath imposed a Forfeiture of for the said Offence.

Taken the Day of before me, C. D.”

### Form of Conviction

“ County } BE it remembered, That on the Day of  
to wit. } in the Year our Lord  
\* E.F. is convicted before me CD.

One of Her Majesty's Justices of the Peace for

\* for that the said *E.F.* after the passing of a certain Act of Parliament made and passed in the Third Year of the Reign of His late Majesty King *William* the Fourth, intituled *[here set 'forth the Title of the said recited Act]*, and of another Act made and passed in the Year of the Reign of Her Majesty Queen *Victoria*, intituled *[here insert the Title of this Act]*, on the                      Day of                      in the Year                      in the Parish of                      *[here state the Offence]*, for which Offence I do adjudge the said *E.F.* to have forfeited *[if the Offence is to be subject to a Fine]* the Sum of *[insert a Penalty]* together with the Sum of                      for Costs *[if any given; or if to be imprisoned, then]* do adjudge the said *E.F.*, to be committed to *[naming the Gaol]* for the Space of *[insert the Time; and if the Commitment be for Nonpayment of a Penalty, then add]* unless the said Sum of                      shall be sooner paid. Given under my Hand and Seal the Day and Year first above written.

***C.D"***

## **XII.    Expences of this Act**

And be it further enacted, That all the Costs, Charges, and Expences of and incident to the obtaining and passing of this Act, and all other Costs, Charges, and Expences relating to and concerning the same, shall be paid out of the Funds of the said Company in preference to all other Payments whatsoever.

## **XIII.   Public Act**

And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be-judicially taken notice of as such by all Judges, justices, and others.

## **SCHEDULE C. GENERAL CEMETERY ACT 1937 (1 EDW 8 & 1 GEO 6 C. XXIII)**

### **1. Short and collective titles.**

This Act may be cited as the General Cemetery Act 1937 and this Act and the Act of 1832 and the Act of 1839 may be cited together as the General Cemetery Acts 1832 to 1937.

### **2. Incorporation of Acts.**

The following Acts so far as the same are applicable for the purposes of this Act and are not inconsistent with the provisions of this Act are hereby incorporated with this Act (namely):—

The provisions of the Companies Clauses Consolidation Act 1845 (8 & 9 Vict. c. 16) with respect to the payment of subscriptions and the means of enforcing payment of calls and the forfeiture of shares for non-payment of calls and with respect to the borrowing of money;

Part II (relating to additional capital) and Part III (relating to debenture stock) of the Companies Clauses Act 1863 (26 & 27 Vict. c. 118) as amended by subsequent Acts.

### **3. Power to establish crematorium.**

- (1) The Company may set apart a site for and build provide fit up equip and maintain a crematorium proper and sufficient for the cremation of human remains on the following lands (that is to say):—

A rectangular piece of land situated in the metropolitan borough of Hammersmith belonging to the Company containing about 13,500 square feet and bounded by imaginary straight lines commencing at a point 435 feet measured in a northerly direction from the south wall of the cemetery of the Company and 49 feet measured in an easterly direction from the west wall of the said cemetery thence proceeding in a northwesterly direction parallel to the said west wall for a distance of 150 feet thence proceeding at an angle of 90 degrees in an easterly direction for a distance of 90 feet thence proceeding at an angle of 90 degrees in a south-easterly direction for a distance of 150 feet thence proceeding at an angle of 90 degrees in a south-westerly direction for a distance of 90 feet to and terminating at the point of commencement.

- (2) The Company may erect and build adjoining to or in connection with any crematorium constructed under the powers of this Act a convenient and suitable chapel for the reception of the dead immediately previous to cremation and for the purpose of performing burial services therein together with such porches gardens colonnades columbaria or niches for the disposal of ashes and other buildings matters and things for such purposes as the Company may think proper.
- (3) The land described in subsection (1) of this section and any other land which may be used for the purpose of providing a chapel porches gardens colonnades columbaria or niches for the disposal of ashes shall notwithstanding anything in section XXVI (Cemetery to be consecrated) of the Act of 1832 by virtue of this Act be free from the act or consequences of the consecration thereof.

- (4) (a) No cremation of human remains shall take place in any crematorium of the Company until the plans thereof have been approved by the Minister of Health and the Company shall have certified to the Secretary of State that such crematorium has been completed is built in accordance with such plans and is properly equipped for the purpose of the disposal of human remains by burning.
- (b) Every cremation of human remains in any crematorium of the Company shall take place in accordance with the provisions of sections 7 8 and 10 of the Cremation Act 1902 (2 Edw. 7 c. 8) and any regulations made under that Act and those sections shall apply accordingly as though they were included in this Act with the necessary modifications.
- (5) The Company may demand and take such reasonable charges or fees for the cremation of any human remains in such crematorium as they think fit and such charges or fees shall be deemed to be part of the funeral expenses of the deceased.
- (6) The Company may apply to the purposes of this Act any funds or moneys which they now have or may hereafter have in their hands or any moneys which they have power to raise by shares or by mortgage and which may not be required for the purposes for which the Company were authorised to raise or borrow the same.

#### **4. Amendment of Acts of 1832 and 1839**

- (1) (a) The Company shall pay to any such incumbent as is referred to in section XXVII (Company to pay a fee on interment of persons removed from certain parishes) of the Act of 1832 on the cremation at any crematorium of the Company of the body of any such person as is referred to in the said section the fees following (that is to say):—
- (A) In case the ashes of such person shall be interred the same fee as would have been payable to such incumbent under the said section if the body of such person had been interred within any vault catacomb or brick grave within the consecrated part of the cemetery of the Company;
- (B) In case the ashes of such person shall be disposed of otherwise than by interment the same fee as would have been payable if the body of such person had been interred in the open ground within the consecrated part of the cemetery of the Company.
- (b) Section XXIX (Company to keep account of such fees and allow inspection thereof) of the Act of 1832 shall be read and construed as if—
- (i) the words " or cremated in any crematorium of the Company " were inserted therein after the word " cemetery " where such word first appears in the said section;
- (ii) the words " or cremation " were inserted therein after the word " interment " where such word first appears in the said section;

(iii) the words " or cremation " were inserted therein after the word "interment" where such word last appears in the said section.

(c) Section XXXI (Company to account for fees half yearly) of the Act of 1832 shall be read and construed as if the words " or cremation " were inserted therein after the word " interment " where such word first appears in the said section.

(d) Section XXXIII (Fees to be paid to the incumbent for the time being) of the Act of 1832 shall be read and construed as if the words " or cremation " were inserted therein after the word " interment."

(2) (a) The provisions of section X (For preventing nuisances in the cemetery) of the Act of 1839 shall be read and construed as if the words " or any crematorium therein" were inserted after the word " cemetery" where such word last appears in the said section.

(b) Section CIV (Preventing nuisances in the cemetery) of the Act of 1832 is hereby repealed.

## **5. Power to raise additional capital**

The Company may subject to the provisions of Part II of the Companies Clauses Act 1863 raise any additional capital not exceeding in the whole forty-five thousand pounds nominal capital by the issue at their option of new ordinary shares or stock or new preference shares or stock or wholly or partially by any one or more of those modes respectively but the Company shall not issue any share of less nominal value than five pounds nor shall any share or stock vest in the person accepting the same unless and until the full price of such share or stock shall have been paid in respect thereof.

## **6. New shares or stock to be subject to same incidents as other shares**

Except as by this Act otherwise provided the capital in new shares or stock created by the Company under this Act and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the now existing capital of the Company of the same class or description and the new shares or stock were shares or stock in that capital.

## **7. New shares or stock to form part of capital of Company**

The capital in new shares or stock so created shall form part of the capital of the Company.

## **8. Dividends on new shares or stock**

Every person who becomes entitled to new shares or stock shall in respect of the same be a holder of shares or stock in the Company and shall be entitled to a dividend with the other holders of shares or stock proportioned to the whole amount from time to time called up and paid on such new shares or to the whole amount of such stock as the case may be.



**9. Provisions as to payment of commission on sale of shares or stock**

The Company when ordinary or preference shares or stock issued under the powers of this Act are to be offered for sale may pay a commission not exceeding five per centum to any person in consideration of his subscribing or agreeing to subscribe whether absolutely or conditionally for any such shares or stock or procuring or agreeing to procure subscriptions whether absolute or conditional therefor:

Provided that—

- (a) the payment of the commission and the amount or rate per centum of the commission paid or agreed to be paid shall be disclosed in every prospectus advertisement or other document of the Company relating to the offer for sale of the shares or stock; and
- (b) nothing in this section contained shall affect any power of the Company to pay brokerage.

**10. Restriction as to votes in respect of preferential shares or stock**

Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new shares or stock to which a preferential dividend shall be assigned.

**11. Limiting dividend on preference capital**

The dividend on any preference shares or stock issued under the powers of this Act shall not exceed six pounds in respect of every one hundred pounds of such shares or stock actually paid up.

**12. Power to borrow**

The Company may from time to time in respect of the additional capital by this Act authorised borrow on mortgage of the undertaking of the Company as for the time being authorised any sum or sums not exceeding in the whole one-third of the amount of such capital which at the time of borrowing has been raised by the Company under the powers of this Act but no part of any such sum or sums shall be borrowed until the Company have proved to a justice of the peace before he gives his certificate under the fortieth section of the Companies Clauses Consolidation Act 1845 that shares or stock for the whole of the portion of the capital in respect of which the borrowing powers are to be exercised together with the premium if any realised or after allowing for the discount if any given on the sale thereof have been paid up.

**13. For appointment of receiver**

The mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than five hundred pounds in the whole.

#### **14. Debenture stock**

The Company may create and issue debenture stock subject to the provisions of Part III of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time after the passing of this Act created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank pari passu (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages. Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

#### **15. Priority of mortgages and debenture stock over other debts**

All moneys raised by the Company on mortgage or debenture stock under the provisions of this Act shall have priority against the Company and the property from time to time forming part of the undertaking over all other claims on account of any debts incurred or engagements entered into by the Company after the passing of this Act.

Provided always that this priority shall not affect any claim against the Company or their property in respect of any rentcharge granted or to be granted by them in pursuance of the Lands Clauses Acts or in respect of any rent or sum reserved by or payable under any lease granted or made to or vested in the Company which is entitled to rank in priority to or pari passu with the interest on their mortgages or debenture stock.

#### **16. Number remuneration and rotation of directors**

- (1) From and after the first annual general meeting of the Company after the passing of this Act the number of directors shall be eight but the Company may at that or any subsequent annual general meeting after due notice for that purpose vary the number of directors but so that the number be not at any time more than eight nor less than five and may also determine the remuneration of the directors.
- (2) At the annual general meeting to be held in every subsequent year the director who shall have been longest in office shall go out of office.
- (3) The qualification of a director shall be the proprietorship in his own right of at least fifty shares in the capital of the Company.
- (4) Section LVII (The first general meeting to choose directors) section LX (Service of directors) and section LXI (Five directors to form a quorum) of the Act of 1832 are hereby repealed.

#### **17. Auditors**

- (1) At the first annual general meeting of the Company after the passing of this Act two persons who shall be proprietors and respectively possessed of not less than ten shares in the capital of the Company (in this Act called "the proprietor auditors") and an auditor (being a member of one or more of the bodies named in subsection (3) (6) of section 239 of the Local Government Act 1933 (23 & 24 Geo. 5 c. 51)) (in this Act called "the professional auditor") shall be elected and appointed auditors of the Company.

- (2) At the second annual general meeting of the Company after the passing of this Act one of the proprietor auditors (to be determined by lot or otherwise by them) and the professional auditor shall go out of office and cease to be auditors of the Company and persons qualified as aforesaid shall be elected auditors in their place. At the succeeding annual general meeting of the Company the one remaining of the proprietor auditors elected at the previous annual general meeting and the professional auditor shall go out of office and cease to be auditors of the Company and their place shall be supplied in like manner. At the annual general meeting of the Company to be held in any subsequent year one of the proprietor auditors who shall have been longest in office and the professional auditor shall go out of office and cease to be auditors of the Company and their place shall be supplied in like manner.
- (3) (a) Notwithstanding anything in this section it shall be lawful for the Company at the second annual general meeting of the Company after the passing of this Act or at any subsequent annual general meeting to determine that thereafter the office of the proprietor auditors or either of them shall no longer be filled.
- (b) Subject to the provisions of paragraph (a) of this subsection if the Company determine in accordance with the provisions of this subsection that the office of one only of the proprietor auditors shall no longer be filled the remaining proprietor auditor and the professional auditor shall go out of office and cease to be auditors of the Company at the annual general meeting of the Company to be held in any subsequent year and their place shall be supplied by persons qualified to be elected in their place.
- (4) It shall be lawful for the directors to appoint some other professional auditor to fill any vacancy caused by the death resignation or disqualification of a professional auditor of the Company and every such professional auditor so appointed shall continue in office only until the next annual general meeting of the Company when his appointment shall either be confirmed or such other person be appointed to succeed him as the meeting shall determine.
- (5) Section LXIII (Auditors may be appointed) so far as it prescribes the number and qualification of auditors section LXIV (Service of auditors) and section LXV (For supplying vacancies among the auditors) of the Act of 1832 are hereby repealed.

## **18. Further amendment of Act of 1832**

From and after the passing of this Act the Act of 1832 shall be read and have effect as if the sections set forth in the schedule to this Act were substituted respectively for the following sections of the Act of 1832 (namely) :—

Section LII (First and other general meetings of Company);

Section LVIII (General meetings to consist of not less than twenty persons possessed of one hundred shares);

Section LIX (Notice of adjourned meetings);

Section LXVIII (If any director or auditor become disqualified his office to be vacant);

Section LXXIV (Meetings of proprietors may be specially convened);

Section LXXVI (Notice of meetings how to be given);

Section LXXXV (Directors empowered to make calls);

Section XCII (Accounts to be made up annually and dividend declared).

**19. Saving for London Building Acts and Town Planning Act**

Nothing in this Act shall prejudice or affect the operation of or derogate from any provision of—

(a) the London Building Acts 1930 and 1935 or any byelaw or regulation for the time being in force thereunder; or

(b) the Town and Country Planning Act 1932 or any scheme or order for the time being in force under that Act or under any Act repealed by that Act.

**20. Costs of Act**

All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

**The SCHEDULE referred to in the foregoing Act.**

***[Sets out amendments made to 1832 Act by section 18]***

**GENERAL CEMETERY BILL**  
**TEXT OF THE OLD ACTS AS PROPOSED TO BE AMENDED<sup>1</sup>**

**METROPOLITAN GENERAL CEMETERY ACT 1832 (2 & 3 Will 4 c. cx)**

WHEREAS the Cemeteries or Burial Grounds within the Cities of London and Westminster and the Suburbs thereof are of very limited Extent, and, having been long in use, are so occupied and filled with Graves and Vaults as to be altogether insufficient for the increased and increasing Population of the Metropolis:

And whereas it would be of great public Advantage if a General Cemetery, on an extensive Scale, were established in an open Situation adjacent to the Metropolis, for the Interment of the Dead, under certain Regulations and Restrictions:

And whereas the several Persons herein-after named are willing, at their own Costs and Charges, to establish such Cemetery with suitable Chapels, Offices, and Buildings; but the same cannot be done without the Aid and Authority of Parliament:

May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

**I. Company incorporated**

That the Honourable Charles William Wentworth Fitzwilliam commonly called Viscount Milton, the Honourable Henry John Chetwynd Talbot commonly called Viscount Ingestre, Sir Robert Price Baronet, Sir John Dean Paul Baronet, the Honourable William Booth Grey, Sir Henry Pynn, George Neville Adams, John Atkins, George Frederick Carden, Robert Walter Carden, John Sherring Clark, Edward Foss, Thomas Gaspey, John Griffith, Andrew Macklew, James Kyrle Money, George Robert Paul, Henry Ansley Purchas, Augustus Pugin, Robert William Sievier, Andrew Spottiswoode, Robert Walpole, and Thomas Wilson, and all other Persons and Bodies Politic and Corporate who have subscribed or who shall hereafter become Subscribers to the said Undertaking, and their several and respective Successors and Assigns, shall be and they are hereby united into a Company for making and maintaining the said Cemetery and other the Works by this Act authorized, according to the Provisions and Restrictions herein-after mentioned, and for that Purpose shall be one Body Corporate by the Name and Style of "The General Cemetery Company," and by that Name shall have perpetual Succession and shall have a Common Seal [...]

**II. Company empowered to purchase Premises for the Purposes of this Act**

And be it further enacted, That it shall be lawful for the said Company, and they are hereby authorized and empowered, from Time to Time, to treat, contract, and agree with the respective Owners of and all other Persons interested in any Buildings, Land or Ground,

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<sup>1</sup> Deleted text is shown [...]; additional or substituted text is shown underlined; amendments in the filled-up Bill are shown underlined in red.

Hereditaments and Premises necessary or convenient for the Purposes of this Act, and who shall be willing to sell the same, or his, her, or their Right or Interest in the same, for the Purchase thereof, or of any Part thereof, not exceeding in the Whole Eighty Acres, for the Uses or Purposes of this Act, and to pay or cause to be paid such Sum or Sums of Money as shall be agreed upon between such Owners or other Persons interested as aforesaid and the said Company; and upon Payment of the Purchase Money for any such Buildings, Land or Ground, Hereditaments and Premises as aforesaid, to the Parties or Persons respectively entitled thereto, and upon the Conveyance by them of the said Buildings, Land and Ground, Hereditaments and Premises, or of their Right or Interest in the same, unto the said Company, it shall be lawful for the said Company, their Surveyors, Workmen, or Agents, at any Time thereafter to enter upon and take Possession of the said Buildings, Lands, Grounds, Hereditaments, and Premises, for the Purposes of this Act; and from thenceforth all Parties and Persons whosoever shall be divested of all Right and Title, Claim and Reversion, to such Houses, Buildings, Land or Ground, Hereditaments and Premises.

### **III. Exception as to Parish of St Pancras**

Provided always, and be it further enacted, That nothing herein contained shall authorize or empower the said Company to contract for or purchase Lands or Hereditaments in the Parish of Saint Pancras in the County of Middlesex, for the Purposes of this Act.

### **IV. Enabling Company to sell Lands not wanted**

And whereas by means of the Purchases, which the said Company are empowered to make by virtue of this, Act they may happen to be seised of more Lands, Tenements, or Hereditaments than will be necessary for the Purposes of this Act, or of Lands, Tenements, or Hereditaments not Wanted or not applicable to the Purposes hereof; be it therefore enacted, That it shall be lawful for the said Company to sell such Lands, Tenements, or Hereditaments, or any Part thereof, either together or in Parcels, by public Auction or private Contract, as they shall deem most advantageous, to such Persons as shall be willing to purchase the same, and by any Deed, under their Common Seal to convey the same to the Purchaser or Purchasers thereof and again from Time to Time to contract for the, Purchase of any other Lands, Tenements, or Hereditaments which the Company shall deem more eligible for the Purposes of this Act, and afterwards to sell and dispose of the same as aforesaid and so from Time to Time as the said Company shall think proper, so that the total Number or Quantity of Acres so to be purchased and held by the said Company for any of the Purposes of this Act shall not exceed at any One Time Eighty Acres; and such Conveyances from the said Company shall be valid and effectual, any thing in this Act contained, or any other Law, Statute, or Custom, to the contrary notwithstanding.

[...]

### **XXI. Company empowered to build a Cemetery**

And be it further enacted, That it shall be lawful for the said Company and they are hereby empowered to make and maintain a Cemetery or Burial Ground for the Interment of the Dead, in such open Situation adjacent to the Metropolis as they shall think fit, and lay out and to

embellish the same in and with such Paths, Walks, Avenues, Roads, Trees, Shrubs, and Plantations as, may be fitting and proper, and to cause the said intended Cemetery or Burial Ground to be inclosed with proper and sufficient Walls, Rails, Fences, Palisades, Gates, and Entrances, and the Company may do all such things as they consider necessary or desirable for the proper management, regulation and control of the Cemetery.

**XXII. Company empowered to build Chapel, &c.**

And be it further enacted, That it shall be lawful for the said Company, and they are hereby empowered, to make, erect, and build, on such Parts of the Land so to be purchased as they shall think proper, a convenient and suitable Chapel; for the Reception of the Dead immediately previous to Interment, and for the Purpose of performing therein the Burial Service according to the Established Form of the United Church of *England and Ireland*, or for the use of any other denomination or religious body, and also such and so many covered Porches or Colonnades, and Catacombs and Vaults for private or public Burial Places; and such other Building or Buildings, Matters and Things, and for such Purposes as the said Company shall think proper.

[...]

**XXV. Power to make Sewers from Cemetery**

And be it further enacted, That it shall be lawful for the said Company, and they are hereby authorized and empowered, from Time to Time and at all Times, to make and sink all necessary and proper Sewers, Soughs, Ditches, and Drains in and about the said Cemetery, for the Purposes of conveying the Water from the same and keeping the same dry, and from Time to Time, as Occasion may require, and with the written consent of the relevant authority, within the meaning of section 49(6)(a) of the New Roads and Street Works Act 1991 (relevant authority for street works affecting sewers), to make, lay, and communicate with any Branch or Main Sewer already made or hereafter to be made, doing as little Damage as possible to the Ground or the Streets or Places whereon such Sewers or Drains may be made, and replacing and closing the same, and otherwise making the same in the same State and Condition as it was previously to its being disturbed, or as near thereto as possible.

**XXVI. Cemetery to be consecrated**

And be it further enacted, That so much and such Part of the said Land or Ground so to be purchased as aforesaid as shall be set apart for the Interment of the Dead according to the Rites and Usages of the United Church of *England and Ireland*, when consecrated by the Bishop of the Diocese for the Time being, shall for ever thereafter be set apart and be used and applied exclusively for the Purpose of Christian Burial.



[...]

#### **XXXV. Books of the Company to be Evidence**

And be it further enacted, That the Books herein-before directed to be kept by the said Company for the Purpose of ascertaining the Amount of Fees payable to the Incumbents of the several Parishes, must be stored so as to preserve them from loss or damage.

[...]

#### **XLII. Consecration, and setting apart for particular denomination**

(1) Subject to subsection (2), the Company may if they think fit—

(a) apply to the Bishop of the diocese for consecration of any part of the cemetery;

(b) set apart for the use of a particular denomination or religious body any part of the cemetery which has not yet been consecrated.

(2) In exercising the powers conferred by subsection (1), the Company must satisfy itself that a sufficient part of the cemetery remains unconsecrated and not set apart for the use of particular denominations or religious bodies.

(3) The Company may mark off any consecrated part of the cemetery in such manner as they consider suitable.

(4) Notwithstanding the consecration or the setting apart for the use of a particular denomination or religious body of the part of the cemetery in which any burial is to be effected, the burial may take place without any religious service or with such orderly religious service at the grave, conducted by such person or persons, as the person having the charge of or being responsible for the burial may think fit.

(5) The Company may at the request of a particular denomination or religious body prohibit the interring or scattering of cremated human remains in or over a part of the cemetery set apart for their use.

#### **XLIII. Grant of burial rights and rights to erect memorials, and agreements for maintenance of graves and memorials**

(1) The Company may grant, on such terms and subject to such conditions as they think proper—

(a) to any person—

(i) the exclusive right of burial in any grave space or grave, or the right to construct a walled grave or vault together with the exclusive right of burial therein; or

(ii) the right to one or more burials in any grave space or grave which is not subject to any exclusive right of burial;

- (b) to the owner of a right described in paragraph (a)(i) or (ii) (or to any person 'P' who satisfies them that P is a relative of a person buried in the grave or vault, or is acting at the request of such a relative, and that it is impractical for P, or P's relative, to trace the owner of the right so described), the right to place and maintain, or to put any additional inscription on, a tombstone or other memorial on the grave space, grave or vault in respect of which the right so described subsists;
- (c) to any person, the right to place and maintain a memorial in the cemetery otherwise than on a grave space, grave or vault in respect of which a right described in paragraph (a)(i) has been granted, but—
- (i) in the case of a memorial to be placed in a chapel provided under section XXII, only at the request of persons appearing to the Company to be representative of the Church of England or any other particular denomination or religious body at whose request the chapel was provided; and
- (ii) in the case of any other memorial being an additional inscription on an existing memorial, only with the consent of the owner of the right to place and maintain such existing memorial.
- (2) The Company may from time to time extend the period of any grant under subsection (1) (subject, if they think fit, to any modification of its terms or conditions) for up to 75 years from the date on which the extension is granted.
- (3) The Company may, at the expiration of the period of any grant under paragraphs (b) or (c) of subsection (1), or of any extension of such period—
- (a) move to another place in the cemetery; or
- (b) remove from the cemetery, for preservation elsewhere or for disposal, any tombstone or other memorial which has not been removed from the cemetery by the owner of the right to place and maintain it in the cemetery.
- (4) No body shall be buried in or over any grave in which an exclusive right of burial for the time being subsists except by, or with the consent in writing of, the owner of the right.
- (5) Subsection (4) shall not extend to the body, or remains, of—
- (a) the person who immediately before their death was the owner of the right; or
- (b) any other person specified in the deed of grant or in an indorsement thereon made at the request of the owner for the time being of the right by the officer appointed for that purpose by the Company.

- (6) The Company shall also have power to agree with any person, on such terms and subject to such conditions as they think proper, to maintain any grave, vault, tombstone or other memorial in the cemetery for a period not exceeding 100 years from the date of the agreement.

[...]

**XLV. Form and register of grants of exclusive Right of Burial, etc.**

- (1) A grant, or an extension of a grant, under section XLIII must be in writing and signed by the officer appointed for that purpose by the Company.
- (2) The Company must maintain a register of all rights, and any extension of rights, granted by them under section XLIII, showing in relation to each right—
- (a) the date on which it was granted;
  - (b) the name and address of the grantee;
  - (c) the consideration paid for the grant;
  - (d) the place in which it is exercisable; and
  - (e) its duration.
- (3) The Company must make the register available at all reasonable times for inspection by any person free of charge.
- (4) The Company may charge such fees as they think proper for the making by them of searches in, and the provision of certified copies of entries in, the register.

**XLVI. Disposal of exclusive right of burial**

- (1) A right granted, or an extension of a grant, under section XLIII may be assigned by deed or bequeathed by will.
- (2) The Company must, following such investigation as they think proper, record particulars of any assignment or bequest of such a right in the register maintained under section XLV.

[...]

**XLVIII. No Interment to be made in a Private Vault without the Consent of the Owner**

Provided always, and be it further enacted, That before any Corpse other than that of the Person for the Time being entitled as Owner to the exclusive Right of Burial therein shall be permitted to be interred in any Vault, Catacomb, or Brick Grave, or in any Place of Burial the exclusive Right of Burial or Interment wherein shall have been sold or granted by the said Company as a Family or Private Burial Place, it shall be lawful for the said Company to require,

and they shall be entitled to have produced to them, satisfactory Evidence that the Person for the Time being entitled as Owner to the exclusive Right of Burial or Interment in such Vault, Grave, or Burial Place has consented to such Interment taking place therein.

**XLIX. Company may take down Monuments, &c. which have been erected contrary to Condition**

- (1) And be it further enacted, That it shall be lawful for the said Company to take down and remove any Monuments, Cenotaphs, Tablets, Monumental Inscriptions, ~~any~~ kerbs surrounding a grave (whether containing any commemorative inscription or not) together with the foundation slabs of such kerbs, any surface fittings, any railings, Grave Stones, and other Erections which shall have been erected or built contrary to the Terms and Conditions upon which Permission to erect or construct the same was granted, or in case such Terms and Conditions shall not have been complied with, or all material particulars of which are illegible or which are dilapidated by reason of long neglect; and also to enter upon and resume the Possession of any Grave or Vault, or other Burial Place, in which the Interest of the Purchaser of the exclusive Right of Sepulture therein shall have ceased or determined, or become forfeited for Non-compliance with the Rules, Orders, and Regulations of the said Company [...]
- (2) The powers under subsection (1) are not exercisable in relation to any building of special architectural or historic interest included in a list compiled or approved under section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990 unless the works have been granted consent under section 16 of that Act.

**L. No Burials in Vaults except in Lead Coffins**

And be it further enacted, That it shall not be lawful to bury any Corpse within any Vault under the said Chapel, or within any Vault or Catacomb which may be erected within the said Cemetery, unless the same shall be enclosed in a Coffin constructed of suitable materials.

**LI. Register of Burials**

And be. it, further enacted, That all Burials within the said Cemetery, as well in the consecrated as unconsecrated Part thereof, shall be registered in Register Books to be provided by the said Company, and kept for that Purpose, according to the Laws in force for keeping Registers in that Part of the United Kingdom of *Great Britain and Ireland* called *England*, by the Registrar of the said Cemetery, or other Officer appointed to that Duty by the Directors, and such Register Books, or Copies or Extracts therefrom, shall be received in all Courts of Law and Equity as Evidence of such Burials; and copies of the Register Books must at all reasonable times be available for inspection by any person free of charge. The Company may charge such fees as they thin proper for the making by them of searches in, and the provision of certified copies of entries in, the Register Books.

[...]

**CXVIII. Rules for Construction of certain Terms of Act**

And be it further enacted, That wherever in this Act any Word or Words is or are used or employed importing the Singular Number or Masculine Gender only, such Word or Words shall extend to and shall be construed to include several Persons as well as One Person, and Females as well as Males, and a Body or Bodies Politic, Corporate, or Collegiate, Corporation or Corporations Aggregate or Sole, as well as Individuals, unless it be otherwise specially directed or provided for.

**CXIX. Saving the Rights and Powers of the Commissioners of Sewers**

Provided always, and be it further declared and enacted, That nothing in this Act contained shall extend, or be deemed or construed to extend, to prejudice, diminish, alter, or take away any of the Rights, Powers, or Authorities vested in the relevant authority within the meaning of section 49(6)(a) of the New Roads and Street Works Act 1991, but all the Rights, Powers, and Authorities vested in them shall be as good, valid, and effectual as if this Act had not been made.

**CXX. Public Act**

And be it further enacted, That this Act shall be deemed a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

**GENERAL CEMETERY COMPANY ACT 1839 (2 & 3 Vict. c. v)**

**[WHOLE ACT REPEALED BY THE BILL]**

**GENERAL CEMETERY ACT 1937 (c. xxiii)**

**1. Short and collective titles.**

This Act may be cited as the General Cemetery Act 1937 and this Act and the Act of 1832 and the Act of 1839 may be cited together as the General Cemetery Acts 1832 to 1937.

[...]

**3. Power to establish crematorium.**

- (1) The Company may set apart a site for and build provide fit up equip and maintain a crematorium proper and sufficient for the cremation of human remains on the following lands (that is to say):—

A rectangular piece of land situated in the metropolitan borough of Hammersmith belonging to the Company containing about 13,500 square feet and bounded by imaginary straight lines commencing at a point 435 feet measured in a northerly direction from the south wall of the cemetery of the Company and 49 feet measured in an easterly direction from the west wall of the said cemetery thence proceeding in a northwesterly direction parallel to the said west wall for a distance of 150 feet thence proceeding at an angle of 90 degrees in an easterly direction for a distance of 90 feet thence proceeding at an angle of 90 degrees in a south-easterly direction for a distance of 150 feet thence proceeding at an angle of 90 degrees in a south-westerly direction for a distance of 90 feet to and terminating at the point of commencement.

- (2) The Company may erect and build adjoining to or in connection with any crematorium constructed under the powers of this Act a convenient and suitable chapel for the reception of the dead immediately previous to cremation and for the purpose of performing burial services therein together with such porches gardens colonnades columbaria or niches for the disposal of ashes and other buildings matters and things for such purposes as the Company may think proper.
- (3) The land described in subsection (1) of this section and any other land which may be used for the purpose of providing a chapel porches gardens colonnades columbaria or niches for the disposal of ashes shall notwithstanding anything in section XXVI (Cemetery to be consecrated) of the Act of 1832 by virtue of this Act be free from the act or consequences of the consecration thereof.

[...]

- (b) Every cremation of human remains in any crematorium of the Company shall take place in accordance with the provisions of sections 7 8 and 10 of the Cremation Act 1902 (2 Edw. 7 c. 8) and any regulations made under that Act and those sections shall apply accordingly as though they were included in this Act with the necessary modifications.
- (5) The Company may demand and take such reasonable charges or fees for the cremation of any human remains in such crematorium as they think fit and such charges or fees shall be deemed to be part of the funeral expenses of the deceased.
- (6) The Company may apply to the purposes of this Act any funds or moneys which they now have or may hereafter have in their hands or any moneys which they have power to raise by shares or by mortgage and which may not be required for the purposes for which the Company were authorised to raise or borrow the same.

[...]

## **19. Saving for London Building Acts and Town Planning Act**

Nothing in this Act shall prejudice or affect the operation of or derogate from any provision of—

- (a) the London Building Acts 1930 and 1935 or any byelaw or regulation for the time being in force thereunder; or

- (b) the Town and Country Planning Act 1932 or any scheme or order for the time being in force under that Act or under any Act repealed by that Act.

[...]

**Broadfield Law UK LLP**  
**2 June 2025**



**WITHOUT PREJUDICE AND SUBJECT TO CONTRACT**

**GENERAL CEMETERY BILL**

**THE GENERAL CEMETERY COMPANY ("the Company")**

**UNDERTAKING TO**

**THE FRIENDS OF KENSAL GREEN CEMETERY ("the Petitioners")**

1. In consideration of the Petitioners withdrawing their petition against the Bill and refraining from all further opposition to it, save as set out in paragraph 3, the Company will give the following undertakings to the Committee, with the intent to bind itself and any other person who may become the Burial Authority:
  - a. The Company will not exercise any of the powers conferred by clause 17 and 18 of the Bill prior to the transfer of the Cemetery to the Charitable Transferee pursuant to clause 8 of the Bill.
  - b. Prior to the Burial Authority first exercising the powers conferred by clauses 17 or 18 of the Bill, the Burial Authority will prepare a conservation management plan that accords with, to the extent that it is relevant, the Technical Guidance on the Re-Use and Reclamation of Graves in London Local Authority Cemeteries (dated October 2013) or any replacement or modification of that guidance.
  - c. In exercising the powers conferred by clauses 17 or 18, to the extent consistent with the proper exercise of those powers, the Burial Authority will act in accordance with that conservation management plan.
2. As soon as reasonably practicable after the Committee publishes the transcript of its proceedings, the Company will provide a copy of the transcript to the Petitioner.
3. The Company acknowledges that the Petitioner:
  - a. may petition in the House of Commons against any amendments made to the Bill in the House of Lords that relate to the subject matter of this Undertaking; and
  - b. may comment on the implementation of the aims of the Bill without opposing it.

4. In this Undertaking –

“the Bill” means the General Cemetery Bill; and references to the provisions of the Bill are to the Bill as introduced in the House of Lords in Session 2024-25 or, after the enactment of the Bill, to be construed as references to the corresponding provisions of the Act;

“the Burial Authority” means the Company, the Charitable Transferee, or another person to whom the powers conferred by clauses 17 and 18 of the Bill have been transferred;

“the Charitable Transferee” has the same meaning as in the Bill;

“the Committee” means the Unopposed Bill Committee considering the Bill in the House of Lords.

Executed on behalf of the General Cemetery Company by:

[Name] CHRISTOPHER A. JONES  
Signature of Director: CF Jones

[Name] STEVEN SHERIDAN  
Signature of Director: S Sheridan

# General Cemetery Bill [HL]

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[AS PROPOSED TO BE AMENDED IN COMMITTEE]

## EXPLANATORY MEMORANDUM

This Bill is promoted by the General Cemetery Company (“the Company”).

The Bill deals with the cemetery and crematorium in the London Borough of Hammersmith and Fulham and the Royal Borough of Kensington and Chelsea called the Kensal Green Cemetery and West London Crematorium (together “the cemetery”). By virtue of Acts of 1832, 1839 and 1937 (together “the old Acts”), the cemetery is owned and operated by the Company. The old Acts contain provisions about the making of rules for the management of the Company and the cemetery and other provisions which are no longer required or are outdated. In many cases the provisions of the old Acts have been superseded by general legislation relating to companies or cemeteries.

As National Lottery heritage grants of the type required by the cemetery are currently only available to not-for-profit organisations, the current corporate and regulatory structure for the Company and the cemetery prevent the Company from accessing grant funding to cover the costs of repairing and conserving the many historic buildings and structures in the cemetery. The purpose of this Bill is to update the regulation and management of the Company and the cemetery in order to preserve the historic landscape of the cemetery. The Bill will enable the Company to register as a private company under the Companies Act 2006, at which point the Bill would also repeal the provisions of the old Acts that become redundant as a result of the Company’s registration. The Bill also permits the Company to transfer the ownership and management of the cemetery to a charitable entity (“the Charitable Transferee”) which would become the burial authority. As a not-for-profit organization, the Charitable Transferee would be able to obtain grants to repair and conserve the many historic buildings and structures in the cemetery.

The Bill also authorises the Company to extinguish rights of burial in grave spaces, and to disturb and reinter human remains in graves, in order to increase the space for further interments in those graves. It also confers power to use appropriately, or remove altogether from the cemetery, any memorials in or on the grave space that relate to the person whose burial rights are to be extinguished or whose remains are proposed to be disturbed. These powers are already available to local authority-run burial grounds and certain private burial authorities in London, and would enable the cemetery to continue to operate and secure the long-term sustainability of the site.

The Bill also repeals outdated and redundant legislation applying to the cemetery and confirms the Charitable Transferee’s powers to operate and manage the cemetery following those repeals.

*Part 1* of the Bill deals with introductory matters.

*Clause 1* gives the short title of the Bill and provides for it to come into force. Most provisions come into force 28 days after the Bill is passed, but the amendments and repeals of the provisions of the old

Acts which regulate the Company come into force when the Company is registered under the Companies Act 2006, and the repeal of the existing power under the 1832 Act to make byelaws comes into force when new regulations come into force under *Clause 14*.

*Clause 2* defines certain expressions used in the Bill.

*Part 2* of the Bill relates to the updating of the Company's structure so that its management aligns with the Companies Act 2006.

*Clause 3* enables the Company to adopt the model articles for private companies limited by shares and thereby modernise the way in which the Company is governed. The model articles are set out in Schedule 1 to the Companies (Model Articles) Regulations 2008. *Subsection (5)* makes it clear that the Company does not need to change its name to register under the 2006 Act. This clause is based on section 3 of the Faversham Oyster Fishery Company Act 2017, which also authorised a historic statutory company to modernise its powers and regulation.

*Clause 4* provides that the registration of the Company does not affect any rights or obligations of the Company or render defective any legal proceedings by or against it, preserving the rights of third parties.

*Clause 5* provides for ~~section 1 the update of outdated provisions~~ of the 1832 Act ~~(which establishes regulating~~ the Company) ~~to be updated as a consequence of the changes made by the Bill. The Amendments to those provisions is~~ set out in *Part 1 of Schedule 1*.

*Clause 6* provides for provisions of the old Acts regulating the Company which are obsolete, or will become obsolete when the Company is registered, to be repealed when the Company is registered. In many cases the provisions of the old Acts have been superseded by general legislation relating to companies or cemeteries. The repealed provisions are set out in *Part 1 of Schedule 2*.

*Part 3* of the Bill enables the transfer of the cemetery to a charitable body. This Part is mainly based on the relevant provisions of the Monken Hadley Common Act 2022, which provided for the transfer of the ownership of that Common to a charity.

*Clause 7* defines the "primary objects" which the Charitable Transferee must have while the cemetery is in its ownership. The primary objects are first, the continued operation of the cemetery as a place for the burial and cremation of the dead, second, the repair and conservation of the monuments, buildings and historical landscape features of the cemetery for the benefit of the public, third, the conservation and management of historic records and other archives relating to the cemetery for the public benefit and fourth, the education of the public about the social, economic, architectural and cultural history of the cemetery and those buried in it. *Subsection (3)* provides that the objects of the Charitable Transferee (or any future owner under *clause 12*) must always include these primary objects. *Subsection (4)* provides that the Charitable Transferee and its successors can have other objects, but they must be charitable. This is substantially based on section 3 of the Monken Hadley Common Act 2022.

*Clause 8* provides for the transfer of the ownership of the cemetery (and property associated with it) from the Company to the Charitable Transferee on a day to be appointed by the Company. *Subsection (2)* requires the Charitable Transferee to remain a charity with the primary objects (see *clause 7*) as part

of its constitution for as long as it owns the cemetery. Following the transfer, the Company will have no interest in the cemetery and will be free of any liability for any obligations arising in relation to it before the appointed day. This is substantially based on section 4 of the Monken Hadley Common Act 2022.

*Clause 9* makes the Charitable Transferee responsible for the management of the cemetery. It is based on section 3 of the Highgate Cemetery Act 2022.

*Clause 10* enables the Charitable Transferee to grant easements or other rights over the cemetery as it thinks fit. *Subsection (2)* makes the power to grant easements and rights subject to the normal rules that apply to the disposition of land by charities. This is substantially based on section 8 of the Monken Hadley Common Act 2022.

*Clause 11* enables the Charitable Transferee to grant and renew leases over any part of the cemetery subject to such conditions as they see fit. *Subsection (2)* provides that the protection of tenure under the Landlord and Tenant Act 1954 and the Housing Act 1988 does not apply to leases created under this clause. This is substantially based on section 9 of the Monken Hadley Common Act 2022.

*Clause 12* enables further transfers of the ownership and management of the cemetery. The effect of *subsections (2) and (3)* is that, where a transfer is of the whole cemetery (rather than a part of the cemetery), the new transferee must be a charity and the provisions of the Act and of the old Acts that applied to the Charitable Transferee before the transfer are to apply to the new transferee after the transfer. *Subsection (4)* enables land that is not needed for the cemetery to be transferred without those requirements being met. Under *subsection (5)* the power to transfer surplus land requires a faculty from the Church of England if it relates to consecrated land. This clause is substantially based on section 12 of the Monken Hadley Common Act 2022.

*Clause 13* enables the Company to appoint a day for the transfer of the cemetery to the Charitable Transferee. The Charitable Transferee must have been registered as a charity before the transfer can happen. *Subsection (3)* requires the date of the appointed day to be publicised by a notice in the London Gazette. This is substantially based on section 13 of the Monken Hadley Common Act 2022.

*Part 4* of the Bill makes provision for the regulation and management of the cemetery. The functions in *Part 4* are all conferred on the Company as the current burial authority, but would be exercisable by the Charitable Transferee once the cemetery is vested in it.

*Clause 14* enables the Company to make ~~regulations~~[byelaws](#) to secure the good management of the cemetery. This power would replace the Company's existing byelaw-making power under the old Acts.

*Subsection (3)* makes general provision about the application of the ~~regulations~~[byelaws](#) and enables ~~regulations~~[byelaws](#) to provide that a person contravening the ~~regulations~~[byelaws](#) is liable on summary conviction to a fine not exceeding level ~~23~~ on the standard scale (currently £~~500~~[1,000](#)).

*Clause 15* is about the procedure for making those ~~regulations~~[byelaws](#). It replicates (with minor modifications) the byelaw-making procedures in the Local Government Act 1972 used by district councils.

One of the effects of that is that the ~~Charity~~[Company](#) must apply to the Secretary of State for confirmation of any ~~regulations~~[byelaws](#).

~~Clause 16 makes it an offence to: create a disturbance in the cemetery; cause a nuisance in the cemetery; willfully interfere with any burial taking place in the cemetery; wilfully interfere with any grave or vault, any tombstone or other memorial, or any flowers or plants on any such matter or play at any game or sport in the cemetery. This clause is based on article 18 of the Local Authorities' Cemeteries Order 1977, which sets out the equivalent offences in respect of publicly-run burial grounds. It replaces similar, but out-of-date, provisions in the 1832 Act~~[modifies some of the references in clause 15 if the Charitable Transferee is a charitable incorporated organisation](#).

*Clause 17* provides the Company with the power to extinguish rights of burial in grave spaces in the cemetery where a right of burial has not been exercised for 75 years or more from the date of the latest burial in the grave space or, if there has been no burial in the grave space, from the date of the grant of the right of burial in the grave space. *Clause 17* is substantially based on section 6 of the City of London (Various Powers) Act 1969, section 9 of the Greater London Council (General Powers) Act 1976, section 3 of the New Southgate Cemetery Act 2017 and section 3 of the Bishop's Stortford Cemetery Act 2024 which provide equivalent powers in respect of publicly run burial grounds in London, the New Southgate Cemetery and the Bishop's Stortford Cemetery respectively.

*Subsections (4) and (5)* provide an objection period ~~of at least 6 months~~ from the date on which the Company gives notice that it intends to extinguish burial rights. [By virtue of clause 20\(3\)\(b\) that period must be at least 6 months](#). The right of burial [to which the notice relates](#) may not be extinguished if the registered owner objects to the notice of extinguishment and does not withdraw their objection. If any other person objects, the right may only be extinguished by consent of the Secretary of State. The same [process](#) applies to the removal of any memorial [covered by the notice](#).

*Subsection (6)* provides that extinguishment takes effect either on the date specified in the notice or, where an objection is made but withdrawn, the later of the date specified in the notice ~~or~~[and](#) the day after the ~~notice~~[objection](#) is withdrawn, or, where an objection is made by a person other than the registered owner and the Secretary of State consents to the extinguishment under *subsection (5)*, on the day after the day on which consent is given by the Secretary of State.

*Subsections (7) and (8)* provide a right to compensation for persons whose rights of burial are extinguished and for the amount of compensation to be determined by arbitration if it cannot be agreed. As an alternative to compensation, *subsection (7)(b)* allows the Company to revive the burial right, in which case the burial right is deemed not to have been extinguished under *subsection (1)*. This enables the Company to deal with circumstances where the burial right owner does not respond to a notice of extinguishment within the specified period but makes a later compensation claim, and the Company is content for the right of burial to endure.

*Clause 18* provides the Company with the power to disturb, or to authorise the disturbance of, human remains that have been interred in the cemetery for 75 years or more ~~years~~, for the purpose of increasing the space for new interments. The power may only be exercised in respect of graves where there are no private burial rights, either because they have been extinguished under *clause 17*, because they have expired or because no right of burial was ever granted. Any human remains disturbed must be reinterred

in their original grave or in another grave in the cemetery. Again, *clause 18* is substantially based on the equivalent provision that applies in relation to publicly-run burial grounds in London, as well as private burial grounds in New Southgate and Highgate.

*Subsections (5) to (7)* provide that if a proposal to disturb human remains is objected to by the registered owner of the extinguished burial right, the registered owner of a memorial [that relates to those remains](#), or a relative of the person to whose remains the proposal relates, the Company may not exercise the powers under *clause 18* for a period of at least 25 years.

*Subsection (8)* enables the Secretary of State to give the Company directions about the way in which it removes or reinters human remains. This power does not apply in relation to consecrated land, which is covered by *clause 19*.

*Subsection (9)* provides that section 25 of the Burial Act 1857, which makes it an offence to remove human remains other than in accordance with that section, does not apply to removals that are carried out in accordance with this clause.

*Clause 19* contains protection for graves and memorials that are the responsibility of the Commonwealth War Graves Commission, graves in consecrated land, and certain graves designated as “protected graves” by the Company. The powers in *clauses 17* and *18* only apply to these graves with the agreement of the Commission, in the case of a war grave, the diocese, in the case of consecrated land, or Historic England and the local planning authority in the case of a protected grave. *Clause 19* is based on section 6 of the Highgate Cemetery Act 2022.

*Subsections (5) and (6)* allow the Company to designate certain graves as protected graves, or to revoke such designations following consultation with ~~or at the request of~~ Historic England and the relevant planning authority.

*Subsections (7) and (8)* require the Company to maintain a public register of any protected grave designated under *subsection (5)*.

*Clause 20* sets out the processes for giving notice in connection with the extinguishment of rights or the disturbance of remains. At least 6 months’ notice must be given, the notices must be published in newspapers and on the Company’s website; [they](#) must be displayed in the cemetery; and they must be sent to the registered owners of the burial rights or any memorials affected. *Clause 20* replicates section 6 of the Bishop’s Stortford Cemetery Act 2024.

*Clause 21* deals with memorials. Where a memorial is removed in connection with the extinguishment of burial rights or the disturbance of human remains it remains the property of the owner of the memorial, but where it is not claimed by the owner within six months of the date given in the relevant notice or the date on which the memorial is removed (whichever is later), the Company may put the memorial to another use or dispose of it. *Clause 21* replicates section 7 of the Bishop’s Stortford Cemetery Act 2024.

*Subsection (2)* requires the Company to publish a policy setting out how it will exercise its powers under *clause 21* in relation to memorials.

*Clause 22(1) to (3)* requires the Company to maintain a record of disturbance and reinterment under *clause 18. Subsection (4)* requires the Company to make a record of any memorial removed under the Act. The clause is based on section 5 of the New Southgate Cemetery Act 2017, section 7 of the Highgate Cemetery Act 2022 and section 8 of the Bishop's Stortford Cemetery Act 2024.

*Clause 23* provides for outdated provisions of the old Acts relating to the cemetery to be amended or repealed. The amended provisions are set out in *Part 2 of Schedule 1* and the repealed provisions in *Part 2 of Schedule 2. Subsection (3)* provides for things done by the Company under the amended or repealed provisions to continue to have legal effect.

#### EUROPEAN CONVENTION ON HUMAN RIGHTS

In the view of the General Cemetery Company the provisions of [the](#) General Cemetery Bill [HL] are compatible with the Convention rights.



# General Cemetery Bill [HL]

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[AS PROPOSED TO BE AMENDED IN COMMITTEE]

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[AS PROPOSED TO BE AMENDED IN COMMITTEE]

A

# B I L L

TO

Make new provision for the regulation and management of the General Cemetery Company upon its registration under the Companies Act 2006; to permit the transfer of the ownership and management of Kensal Green Cemetery and West London Crematorium to a charity; and to confer powers upon the General Cemetery Company to extinguish rights of burial and disturb human remains in Kensal Green Cemetery for the purpose of increasing the space for interments; and for connected purposes.

W HEREAS –

- (1) The General Cemetery Company (“the Company”) was incorporated by an Act of the second year of the reign of His Majesty King William the Fourth, entitled “An Act for establishing a General Cemetery for the Interment of the Dead in the Neighbourhood of the Metropolis” (“the 1832 Act”) and, under the powers of that Act, purchased lands now in the London Borough of Hammersmith and Fulham and the Royal Borough of Kensington and Chelsea, and constructed a cemetery on a portion of the said lands: 5
- (2) Further provisions were made with regard to the cemetery and further powers were conferred on the Company by an Act of the second year of the reign of Her Majesty Queen Victoria, entitled “An Act for enabling the General Cemetery Company to raise a further Sum of Money; and for amending the Act relating to the said Cemetery” (“the 1839 Act”): 10
- (3) Further powers were conferred on the Company by the General Cemetery Act 1937 (“the 1937 Act”), including power to establish and operate a crematorium in the cemetery: 15
- (4) The Company remains the registered proprietor of the cemetery, including the crematorium, and operates and manages the cemetery as a public burial ground:
- (5) In order to better manage the cemetery and its protected monuments, and the crematorium, it is expedient that the ownership of the cemetery and crematorium be transferred to a new charitable body, that the Company and the new body be provided with functions that are cast in modern terms and that outdated provisions of the 1832 Act, the 1839 Act and the 1937 Act (together “the old Acts”) are disappplied: 20

- (6) In order that better use may be made of the land in the cemetery for burials, it is expedient that the Company be authorised to extinguish certain rights of burial granted in graves in the cemetery and to disturb, or authorise the disturbance of, human remains interred in such graves and also in graves where no rights of burial exist, for the purpose of increasing the space for further interments in such graves and to use appropriately or remove altogether from the cemetery memorials on such graves: 5
- (7) It is expedient that the other provisions contained in this Act should be enacted:
- (8) The objects of this Act cannot be attained without the authority of Parliament: 10

May it therefore please your Majesty that it may be enacted, and be it enacted, by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

## PART 1

15

### PRELIMINARY

#### 1 Citation and commencement

- (1) This Act may be cited as the General Cemetery Act 202[X].
- (2) Subject to subsections (3) and (4), this Act comes into force at the end of 28 days beginning with the day on which it is passed. 20
- (3) **Sections 5 and 6, Part 1 of Schedule 1 and Part 1 of Schedule 2** (except for the provision referred to in subsection (4)) come into force on the date on which the Company is registered as a company under Chapter 1 of Part 33 of the 2006 Act (companies not formed under companies legislation but authorised to register). 25
- ~~(4) **Part 1 of Schedule 2** comes into force so far as it repeals section 56 of the 1832 Act (which confers a byelaw-making power) on the date on which the first regulations under section 14 come into force.~~
- (4) The following provisions come into force on the date on which the first byelaws under section 14 come into force – 30
- (a) **Part 1 of Schedule 2** in so far as it repeals section 56 of the 1832 Act (which confers a byelaw-making power); and
- (b) **Part 2 of Schedule 2** in so far as it repeals sections 103 and 104 of the 1832 Act and sections 10 and 11 of the 1839 Act (which make it an offence to create a nuisance in the cemetery). 35

## 2 Interpretation

In this Act—

“the 1832 Act” means the Act of the second year of the reign of His Majesty King William the Fourth, entitled “An Act for establishing a General Cemetery for the Interment of the Dead in the Neighbourhood of the Metropolis”; 5

[“the 1839 Act” means the Act of the second year of the reign of Her Majesty Queen Victoria, entitled “An Act for enabling the General Cemetery Company to raise a further Sum of Money; and for amending the Act relating to the said Cemetery”;](#) 10

“the 2006 Act” means the Companies Act 2006;

“the appointed day” means a day fixed by the Company in accordance with **section 13**;

“burial” includes the interment of cremated remains and “right of burial” includes “right of interment” accordingly; 15

“the cemetery” means the Kensal Green Cemetery and West London Crematorium, Harrow Road, London W10 4RA;

“the Charitable Transferee” means the body to which ownership of the cemetery is transferred under section 8;

“civil partner” includes former civil partner; 20

“Commonwealth war burial” means a burial of any member of the armed forces of His Majesty who died in the war of 1914 to 1921 or in the war of 1939 to 1947 or of any other person for whose burial the Commonwealth War Graves Commission is responsible;

“Commonwealth war memorial” means any memorial erected, owned or maintained by the Commonwealth War Graves Commission; 25

“the Company” means the General Cemetery Company or, except in Part 2, any other person to whom any or all of the functions under this Act and any related statutory functions under the old Acts have been transferred; 30

“expired” in relation to a right of burial, means that the right has ceased to exist, whether by reason of any fixed period for which the right was granted having ended or the right having been surrendered, forfeited or otherwise determined, or for any other reason other than the right having been extinguished in accordance with the provisions of **section 17**; 35

“grave” includes any grave space and any crypt, vault, catacomb, arch, brick grave, mausoleum, columbarium or other place of interment;

“memorial” includes any monument, headpiece, headstone, flatstone, slab, footstone, borderstone, kerbstone, tombstone or tablet, any wall, kerb or railing protecting, enclosing or marking a grave (including any permanent covering thereon), or any other commemorative object placed in the cemetery including vases, flower containers or other similar objects; 40

“the old Acts” means— 45

(a) the 1832 Act;

- (b) ~~the Act of the second year of the reign of Her Majesty Queen Victoria, entitled “An Act for enabling the General Cemetery Company to raise a further Sum of Money and for amending the Act relating to the said Cemetery”; and~~
- (b) the 1839 Act; and 5
- (c) the General Cemetery Act 1937;
- “protected grave” means a grave designated as a protected grave by the Company under **section 19(5)**;
- “public or common grave” means a grave in respect of which no right of burial has been acquired by or granted to, or is otherwise vested in, any individual or body other than a local authority or the Company; 10
- ~~“register of grants” means the register of grants of exclusive rights of burial, and of rights to erect or place memorials, maintained by the Company;~~
- “register of grants” means the register of grants maintained by the Company under section 45 of the 1832 Act; 15
- “registered address” means an address registered in the register of grants;
- “registered number” means a number registered in the register of grants;
- “registered owner” –
- (a) in relation to any right of burial means the person at the time in question named as the owner in the register of grants; 20
- (b) in relation to any memorial means the person at the time in question named in the said register as the person to whom the right to erect or place that memorial has been granted or, if no such person is named, the registered owner of the right of burial in the grave in or on which the memorial is erected or placed; 25
- (c) in relation to any right that has expired or been extinguished, means the last person so registered;
- “relative”, in relation to any person, means any of the following – 30
- (a) that person’s spouse;
- (b) that person’s civil partner;
- (c) any brother, sister, aunt or uncle of that person or of that person’s spouse or civil partner;
- (d) any lineal ancestor or lineal descendant of that person or of a person mentioned in paragraphs (a) to (c); 35
- ~~“relevant memorial” means a memorial in or on a grave space in respect of which the Company has given notice of its intention to exercise the powers under section 18;~~
- “specified date” means the date specified in a notice given for the purposes of **section 17** or **section 18**, on which it is intended that any burial rights should be extinguished, any human remains should be disturbed, or any memorial should be removed, as the case may be; and 40
- “spouse” includes former spouse. 45

## PART 2

### REGULATION AND MANAGEMENT OF THE COMPANY

#### 3 Adoption of model articles and Company name

- (1) Notwithstanding anything in regulations made under section 1042 of the 2006 Act (power to make regulations in respect of companies not registered under that Act), or anything in the old Acts, the Company may by resolution adopt the model articles with such modifications as appear to it to be appropriate. 5
- (2) ~~The model articles, as so adopted by the Company under subsection (1), may apply to the Company any provision of as may be necessary or appropriate with such modifications as may be necessary or appropriate.~~ 10
- (3) So far as there is any inconsistency between a provision of any of the model articles adopted under subsection (1) and a provision of the old Acts –
  - (a) before the day on which the Company registers under Chapter 1 of Part 33 of the 2006 Act, the provision of the old Acts prevails;
  - (b) on and after that day, the provision of the model articles prevails. 15
- (4) In this section “the model articles” means the model articles for private companies limited by shares set out in Schedule 1 to the Companies (Model Articles) Regulations 2008 (S.I. 2008/3229) or any regulations replacing those regulations.
- (5) Nothing shall require the alteration of the name of the General Cemetery Company in order for it to be registered under the 2006 Act. 20

#### 4 Effect of registration

The registration of the Company as a private company under Chapter 1 of Part 33 of the 2006 Act does not affect any rights or obligations of the Company or render defective any legal proceedings by or against it. 25

#### 5 Amendments of the 1832 Act relating to the Company

The enactment set out in Part 1 of Schedule 1 has effect subject to the amendment made by that Part.

#### 6 Repeals relating to the Company

The enactments specified in Part 1 of Schedule 2 are repealed to the extent shown. 30

**PART 3****TRANSFER OF CEMETERY TO THE CHARITABLE TRANSFEEE****7 The primary objects of the Charitable Transferee**

- (1) On its registration as a charity, the objects of the Charitable Transferee must include— 5
  - (a) for the public benefit, the continued operation of the cemetery as a public burial ground for the burial and cremation of the dead;
  - (b) for the public benefit, the repair and conservation of the monuments, buildings and historical landscape features of the cemetery;
  - (c) for the public benefit, the conservation and management of historic records and other archives relating to the cemetery; and 10
  - (d) for the public benefit, the education of the public about the social, economic, architectural and cultural history of the cemetery and those buried in it.
- (2) In this Act, those objects are referred to as the “primary objects”. 15
- (3) The objects of the Charitable Transferee and any transferee under **section 12** must always include the primary objects.
- (4) The Charitable Transferee and any transferee under **section 12** may have other objects but they must be charitable objects.

**8 Transfer of ownership of the cemetery** 20

- (1) On the appointed day—
  - (a) the cemetery and all other property which immediately before that date was the property of the Company and was used or held in connection with the cemetery;
  - (b) all rights, liabilities, interests, privileges and functions conferred by the old Acts on the Company; and 25
  - (c) all other rights and liabilities of the Company subsisting immediately before that date which were acquired or incurred in connection with the cemetery,
 are transferred to and vest in the Charitable Transferee. 30
- (2) Whilst the cemetery is in its ownership—
  - (a) the Charitable Transferee must remain a charity; and
  - (b) the objects of the Charitable Transferee must include the primary objects.
- (3) From the appointed day, any reference to the Company in any provision of the old Acts, Part 4 of this Act or any other instrument is to be read as if it were a reference to the Charitable Transferee. 35



- (4) From the appointed day, the Company is not to be liable for any act, event, failure to act or omission so far as the act, event, failure to act or omission relates to the cemetery and occurred before the appointed day.
- (5) Where the transfer and vesting of the cemetery or any part of the cemetery effected by subsection (1) is a registrable disposition of land under the Land Registration Act 2002, the Charitable Transferee must apply to the Chief Land Registrar for registration in the register of title of a restriction to reflect **section 12(2)**. 5
- (6) [Where subsection \(1\) transfers to the Charitable Transferee liabilities under contracts of employment, nothing in this section affects the operation of the Transfer of Undertakings \(Protection of Employment\) Regulations 2006.](#) 10

## 9 The Charitable Transferee's power to manage the cemetery

- (1) On and after the appointed day, the Charitable Transferee may do all things it considers necessary or desirable for the proper management, regulation and control of the cemetery. 15
- (2) The power in subsection (1) is subject to any restrictions or limitations contained in this Act.

## 10 Easements and other rights

- (1) On and after the appointed day, the Charitable Transferee may, over any part of the cemetery, grant easements, licences or other rights on such terms (including the payment of charges, whether periodic or otherwise) and subject to such conditions as the Charitable Transferee thinks fit. 20
- (2) Nothing in this section affects the application of sections 117 to 123 of the Charities Act 2011 (restrictions on dispositions of land) in relation to the Charitable Transferee. 25

## 11 Leases

- (1) On and after the appointed day, the Charitable Transferee may grant or renew a lease of, or of any part of, the cemetery on such terms (including the payment of rent and other charges, whether periodic or otherwise) and subject to such conditions as the Charitable Transferee thinks fit. 30
- (2) Part 2 of the Landlord and Tenant Act 1954 (which provides security of tenure for commercial tenancies) and section 5 of the Housing Act 1988 (which provides security of tenure for assured tenancies) do not apply to a lease granted or renewed under subsection (1).
- (3) Nothing in this section affects the application of sections 117 to 123 of the Charities Act 2011 in relation to the Charitable Transferee. 35

**12 Further transfers of the cemetery**

- (1) Subject to the provisions of this section, the Charitable Transferee may transfer its interest in the cemetery ~~and~~, or any part of it, together with any property, rights and liabilities relating to the cemetery, or ~~any part of it that part (as the case may be)~~, to another person (“the new transferee”). 5
- (2) The new transferee must be a charity.
- (3) Where a transfer has been made, references in the old Acts or this Act to the Charitable Transferee (including any references that apply by virtue of **section 8(3)**) are to be construed as references to the new transferee.
- (4) Subsections (2), (3) and (7) do not apply to a limited transfer. 10
- (5) The Charitable Transferee may not make a limited transfer of any part of the cemetery that has been consecrated and set apart for the burial of the dead without a faculty granted by the consistory court of the diocese of London.
- (6) A transfer under subsection (1) is not a disposition falling within section 117(3)(a) of the Charities Act 2011 (restrictions on dispositions of land: general). 15
- (7) Where a transfer of an interest in the cemetery or any part of the cemetery under this section includes a registrable disposition of land under the Land Registration Act 2002, the new transferee must apply to the Chief Land Registrar for registration in the register of title of a restriction to reflect subsection (2). 20
- (8) In this section, a “limited transfer” means a transfer by the Charitable Transferee of its interest in any part of the land comprised in the cemetery that in the opinion of the Charitable Transferee is not required for the exercise of its functions under the old Acts and this Act.

**13 Appointed day** 25

- (1) The appointed day is fixed by a decision of the Company in accordance with this section.
- (2) The appointed day must not be before the Charitable Transferee is registered by the Charity Commission as a charity.
- (3) Before the appointed day, the Company must – 30
  - (a) publish notice of the day appointed in the London Gazette, stating that it is the appointed day for the purposes of this Part; and
  - (b) serve a copy of the notice on—
    - (i) the Bishop of the diocese in which the cemetery is situated;
    - (ii) the Commonwealth War Graves Commission; 35
    - (iii) the Historic Buildings and Monuments Commission for England; and
    - (iv) the local planning authorities for the cemetery.
- (4) The publication of a notice under subsection (3) is conclusive evidence of the date of the appointed day in question, and a photocopy or other reproduction, 40

certified by one of the directors or the company secretary of the Company, of a page or part of a page of the London Gazette containing the notice is conclusive evidence of publication.

## PART 4

### REGULATION AND MANAGEMENT OF THE CEMETERY

5

#### 14 **Regulations**[Byelaws](#)

- (1) The Company may make **regulations**[byelaws](#) in relation to the operation and maintenance of the cemetery.
- (2) Without limiting the scope of subsection (1), the Company may make **regulations**[byelaws](#) for the purposes of regulating – 10
  - (a) the use of the cemetery by members of the public; and
  - (b) the conduct of burials in the cemetery.
- (3) **Regulations**[Byelaws](#) under this section may – 15
  - (a) make provision that a person contravening the **regulations**[byelaws](#) is liable on summary conviction to a fine not exceeding level 3 on the standard scale;
  - (b) be made so as to relate to the whole or any part of the cemetery;
  - (c) make different provision for different cases; and
  - (d) amend or revoke other **regulations**[byelaws](#) made under this section, or **byelaws made** under section 56 of the 1832 Act. 20
- (4) In any proceedings for an offence under **regulations**[byelaws](#) made under this section, it is a defence for the person charged to prove – 25
  - (a) that the person took all reasonable precautions and exercised all due diligence to avoid the commission of the offence; or
  - (b) that the person had a reasonable excuse for any action or failure to act to which the proceedings relate.

#### 15 Procedure for making **regulations**[byelaws](#)

- (1) The following provisions of this section apply to **regulations**[byelaws](#) made by the Company under **section 14**.
- (2) The **regulations**[byelaws](#) must be made under the hands of two persons appointed for that purpose by the Company and do not have effect until they are confirmed by the Secretary of State. 30
- (3) At least one month before application for confirmation of the **regulations**[byelaws](#) is made, notice of the intention to apply for confirmation must be given in one or more local newspapers circulating in the area [in which the part](#) of the cemetery to which the **regulations**[byelaws](#) are to apply [is located](#). 35
- (4) For at least one month before application for confirmation is made, a copy of the **regulations**[byelaws](#) must be deposited at the registered office of the

Company, and must at all reasonable hours be open to public inspection without payment.

- (5) The Company must, on application, furnish to any person a copy of the ~~regulations~~[byelaws](#), or of any part thereof, on payment of such sum, not exceeding 10p for every hundred words contained in the copy, as the Company may determine. 5
- (6) The Secretary of State may confirm, or refuse to confirm, any ~~regulations~~[byelaw](#) submitted under this section for confirmation, and may fix the date on which ~~the regulation is~~[any byelaw is](#) to come into operation and, if no date is so fixed, the ~~regulation~~[byelaw](#) shall come into operation at the expiration of one month from the date of its confirmation.
- (7) A copy of the ~~regulations~~[byelaws](#), when confirmed, must be – 10
  - (a) printed and deposited at the registered office of the Company;
  - (b) at all reasonable hours open to public inspection without payment;
  - (c) uploaded to the Company’s website; and
  - (d) on application, furnished to any person on payment of such sum, not exceeding 20p for every copy, as the Company may determine. 15
- (8) A person appointed for the purpose by the Company must send a copy of ~~every regulation made by the Company, and confirmed,~~[any byelaw made by the Company that is confirmed](#) to the proper officer of the local planning authority for the ~~area in the cemetery to which the regulations apply~~[area in which the part of the cemetery to which the byelaws are to apply is located](#).
- (9) The production of a printed copy of a ~~regulation~~[byelaw](#) purporting to be made by the Company upon which is endorsed a certificate purporting to be signed by ~~the proper officer of~~[a person appointed for that purpose by](#) the Company stating – 20
  - (a) that the ~~regulation~~[byelaw](#) was made by the Company;
  - (b) that the copy is a true copy of the ~~regulation~~[byelaw](#); 25
  - (c) that on a specified date the ~~regulation~~[byelaw](#) was confirmed by the Secretary of State ~~and has not been disallowed~~;
  - (d) the date, if any, fixed by the Secretary of State for the coming into operation of the ~~regulation~~[byelaw](#),

is prima facie evidence of the facts stated in the certificate, and without proof of the handwriting or official position of any person purporting to sign the certificate. 30
- (10) [In this section, “proper officer” has the meaning given by section 270\(3\) of the Local Government Act 1972 \(interpretation of references to “proper officer”\).](#) 35

## 16 [Modification of byelaw-making procedure for CIO](#)

[If the Charitable Transferee is a charitable incorporated organisation, section 15 applies as if the references in subsections \(4\) and \(7\)\(a\) to the registered](#)

office of the Company were references to the principal office of the charitable incorporated organisation.

## 16 ~~Offences in the cemetery~~

- (1) ~~A person commits an offence if they—~~
  - (a) ~~wilfully create any disturbance in the cemetery;~~ 5
  - (b) ~~commit any nuisance in the cemetery;~~
  - (c) ~~wilfully interfere with any burial taking place in the cemetery;~~
  - (d) ~~wilfully interfere with any grave or any memorial in the cemetery; or~~
  - (e) ~~play at any game or sport in the cemetery.~~
- (2) ~~A person not being an officer or servant of the Company or another person so authorised by or on behalf of the Company commits an offence if they enter or remain in the cemetery at any time when it is closed to the public.~~ 10
- (3) ~~A person who commits an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.~~
- (4) ~~In any proceedings for an offence under this section, it is a defence for the person charged to prove—~~ 15
  - (a) ~~that the person took all reasonable precautions and exercised all due diligence to avoid the commission of the offence; or~~
  - (b) ~~that the person had a reasonable excuse for the action or failure to act.~~ 20

## 17 Power to extinguish rights of burial

- (1) Subject to subsection (2) and **section 19**, where in respect of any grave space in the cemetery a right of burial has not been exercised for 75 years or more from the date of the latest burial in the grave space or, if there has been no burial in the grave space, from the date of the grant of the right of burial in the grave space, the Company may, by notice given in accordance with **section 20**, extinguish the right of burial in that grave space. 25
- (2) No right of burial granted after the passing of this Act for any period longer than 75 years is to be extinguished under this section.
- (3) Subject to **section 21**, the power of the Company under subsection (1) to extinguish a right of burial in any grave space includes the power to remove any memorial in or on the grave space that is owned by the registered owner of the right of burial. 30
- (4) If notice of objection to the extinguishment of a right of burial in any grave space is given to the Company before the specified date by the registered owner of the right of burial and that objection is not withdrawn, the right of burial to which the objection relates must not be extinguished under this section. 35
- (5) If notice of any other objection to the extinguishment of a right of burial in any grave space or to the removal of a memorial, and of the grounds of any 40

such objection, is given to the Company before the specified date and is not withdrawn, any right of burial specified in the notice of the objection must not be extinguished, and any memorial specified in the notice of the objection must not be removed without the consent of the Secretary of State.

- (6) An extinguishment under subsection (1) takes effect – 5
  - (a) where no notice of objection is given, on the specified date;
  - (b) where notice of objection is given and the objection is withdrawn, on the specified date or the day after the objection is withdrawn, whichever is later; or
  - (c) where the Secretary of State consents to the extinguishment under subsection (5), on the day after that consent is given. 10
- (7) As compensation for any right of burial extinguished under this section, the Company must on a claim being made by the registered owner of the right of burial within six months from the extinguishment of that right either – 15
  - (a) pay to the owner such sum representing the value of that right as may be agreed between the Company and the owner or, in default of agreement, determined by arbitration; or
  - (b) confirm in writing to the owner that the right of burial extinguished is to be revived and, if confirmation is given under this paragraph, the right of burial is deemed not to have been extinguished under subsection (1). 20
- (8) In any arbitration under subsection (7)(a), the reference must be to a single arbitrator to be appointed by agreement between the parties or, in default of agreement, to be appointed by the President of the Royal Institution of Chartered Surveyors on the application of either party after giving notice in writing to the other party. 25

## 18 Power to disturb human remains

- (1) Subject to **section 19**, the Company may disturb or authorise the disturbance of human remains interred in a grave in the cemetery for the purpose of increasing the space for interments in the grave where – 30
  - (a) the Company has extinguished the right of burial in the grave under **section 17**;
  - (b) the grave is a public or common grave; or
  - (c) any right of burial granted in relation to the grave has expired.
- (2) A person authorised by or under subsection (1)(b) or (c) to disturb human remains may, subject to **section 21**, remove any memorial in or on the grave space relating to the person whose remains are proposed to be disturbed. 35
- (3) No human remains may be disturbed under this section if they have been interred for a period of less than 75 years.
- (4) Any human remains disturbed under subsection (1) must be reinterred either in their original grave or in another grave within the cemetery. 40

- (5) Before disturbing any human remains, or removing any memorial, under this section the Company must give notice in accordance with **section 20**.
  - (6) If notice of objection to the proposed disturbance of human remains in a grave space is given to the Company before the specified date by –
    - (a) the registered owner of ~~the~~an extinguished or expired right of burial in that grave space; 5
    - (b) the registered owner of a ~~relevant memorial~~memorial erected or placed in or on that grave space, whether or not the memorial is proposed to be removed; or
    - (c) a relative of the person whose remains are proposed to be disturbed, and that objection is not withdrawn, the Company may not, subject to subsection (7), disturb or authorise the disturbance of those remains. 10
  - (7) The Company may, in accordance with subsection (1), disturb or authorise the disturbance of human remains that are otherwise protected from disturbance under subsection (6) if – 15
    - (a) after the expiry of a period of 25 years from the date on which notice of objection in accordance with that subsection was last given, the Company has given further notice in accordance with **section 20** in relation to the disturbance of those remains; and
    - (b) no notice of objection in accordance with subsection (6) is given in relation to that further notice or, if such notice of objection is given, it is withdrawn. 20
  - (8) A person authorised by or under subsection (1) to disturb human remains must comply with any directions given by the Secretary of State with respect to the removal and reinterment of any human remains in any case other than a case where the human remains are interred in consecrated land. 25
  - (9) The provisions of section 25 of the Burial Act 1857 (offence of removal of body from burial ground) do not apply to a removal carried out in accordance with the provisions of this section.
- 19 Protection for certain graves** 30
- (1) The Company must obtain the written agreement of the Commonwealth War Graves Commission before exercising the powers conferred by **section 17** and **section 18** in respect of –
    - (a) any grave in which there is a Commonwealth war burial, or
    - (b) any grave space in or on which there is a Commonwealth war memorial. 35
  - (2) Subject to subsection (3), nothing in **section 18** affects the jurisdiction of the consistory court of the diocese over consecrated land which is used, or is available for use, for the interment of human remains.
  - (3) Where the Company proposes to disturb any human remains in consecrated land, the Company may not exercise its powers under **section 18** without first obtaining a faculty, with or without conditions attached to it, from the 40



consistory court of the diocese in which the land is situated, and any objection to the proposed disturbance of human remains in consecrated land by any person under **section 18** must be heard and determined by that consistory court.

- (4) The Company must obtain the written agreement of the Historic Buildings and Monuments Commission for England and the relevant planning authority before exercising the powers conferred by **sections 17** and **18** in respect of a protected grave. 5
- (5) The Company may from time to time, in consultation with, or at the request of, the Historic Buildings and Monuments Commission for England and the relevant planning authority, ~~or at the request of either of them,~~ designate a grave as a protected grave. 10
- (6) The Company may from time to time, following consultation with the Historic Buildings and Monuments Commission for England and the relevant planning authority, revoke the designation of any grave as a protected grave. 15
- (7) The Company must maintain a record of any protected grave.
- (8) The record maintained under subsection (7) must at all reasonable times be available for consultation by any person free of charge.
- (9) In this section, “the relevant planning authority” means –
  - (a) in relation to a grave in the London Borough of Hammersmith and Fulham, the Council of that London Borough; and 20
  - (b) in relation to a grave in the Royal Borough of Kensington and Chelsea, the Council of that Royal Borough.

## 20 Notices given under this Act

- (1) The Company may give a single notice for the purposes of **section 17(1)** and **section 18(5)** or (7). 25
- (2) The Company must –
  - (a) publish notice in a newspaper of their intention to exercise the powers under section 17 or section 18, such notice to be published once in each of two successive weeks, with an interval between the dates of publication of not less than six clear days; 30
  - (b) publish such a notice and maintain that notice until the specified date –
    - (i) on the Company’s website; or
    - (ii) by using a means of electronic publication that the Company considers equivalent for the purposes of drawing attention to the Company’s proposals; 35
  - (c) display such a notice in a conspicuous position –
    - (i) at each of the principal entrances to the cemetery; and
    - (ii) so far as is reasonably practicable at or near the grave; and 40
  - (d) serve such a notice on –



- (i) where the Company intends to extinguish burial rights, the registered owner of the right of burial and, if different, the registered owner of any memorial proposed to be removed, at their registered address;
  - (ii) where the Company intends to disturb human remains, the registered owner of [any right of burial](#), any extinguished or expired right of burial or any memorial erected or placed in or on the grave space, at their registered address; 5
  - (iii) the Commonwealth War Graves Commission; and
  - (iv) the Historic Buildings and Monuments Commission for England. 10
- (3) Each notice must –
  - (a) contain full particulars of the Company’s proposals including the registered number or other description of all grave spaces in respect of which it is proposed that rights of burial should be extinguished, and graves in which it is proposed that human remains are to be disturbed, and specifying those graves where it is proposed that any memorials should be removed; 15
  - (b) contain the specified date, which must not be earlier than six months after the date of the last of the publications in accordance with subsection (2)(a) and (b), the date on which the notice is first displayed in accordance with subsection (2)(c), or the date on which the notice is served in accordance with subsection (2)(d), whichever is the last; 20
  - (c) in the case of a notice under **section 17**, state the effect of subsections (4) to (8) of that section; and 25
  - (d) in the case of a notice under **section 18**, state the effect of subsections (6) and (7) of that section.
- (4) A notice under subsection (2)(b) must contain, where known, the name of the registered owner of any right of burial or memorial affected and the name of any person whose remains are proposed to be disturbed. 30
- (5) A notice under subsection (2)(a), (c) or (d) must include details of where the notice under subsection (2)(b) may be found and a statement that the notice under subsection (2)(b) contains the information described in subsection (4).

## 21 Memorials

- (1) Any memorial removed by the Company under this Act remains the property of the owner of it, but if such owner does not claim it within a period of six months after the later of the specified date or the date on which the memorial is removed, the Company may put the memorial to such use as the Company considers appropriate or the Company may dispose of it. 35
- (2) The Company must publish on its website, and make available on request, a policy setting out how it will exercise its powers under this section in relation to memorials. 40

**22 Records**

- (1) The Company must maintain a record of any remains in the cemetery that are disturbed under the powers in **section 18**.
- (2) The record maintained under subsection (1) must include such information as the Company sees fit and must include—
  - (a) the date of the disturbance;
  - ~~(b) where known, the registered number of the grave in which the remains are disturbed and its approximate location;~~
  - (b) where known, the registered number of the grave in which the remains are disturbed;
  - (ba) the approximate location of the grave;
  - (c) where known, the names, in full, of the person whose remains are disturbed;
  - (d) particulars of the authority for the disturbance; and
  - (e) the registered number of the grave in which the remains are reinterred, its approximate location and the date of reinterment.
- (3) As soon as reasonably practicable after any disturbance under **section 18**, the Company must complete the record in accordance with paragraphs (a) to (e) of subsection (2).
- (4) The Company must cause a record to be made of each memorial removed under this Act containing—
  - (a) a copy of any legible inscription on it;
  - (b) if it is intended to preserve the memorial within the cemetery, a statement showing where it has been taken; and
  - (c) if the memorial is disposed of, a statement of the details of its disposal, and the Company must deposit a copy of the record with the Registrar General for England and Wales.
- (5) The records maintained under subsections (1) and (4) must at all reasonable times be available for consultation by any person free of charge.

**23 Amendments and repeals relating to the cemetery**

- (1) The enactments set out in Part 2 of Schedule 1 have effect subject to the amendments made by that Part.
- (2) The enactments set out in Part 2 of Schedule 2 are repealed to the extent shown.
- (3) The repeals under subsection (2) do not affect anything done by the Company under those enactments in connection with the operation, management or improvement of the cemetery, including without limitation the grant of any burial rights.

## SCHEDULES

### SCHEDULE 1

Sections 5 and 23(1)

#### AMENDMENTS OF THE 1832 ACT

- 1 The 1832 Act is amended as follows.

#### PART 1

5

#### AMENDMENTS RELATING TO THE COMPANY

- 2 In section 1 omit the words from “, and by that Name shall and may sue and be sued” to the end of the section.

#### PART 2

#### AMENDMENTS RELATING TO THE CEMETERY

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- 3 In section 21, at the end of the section insert “and the Company may do all such things as they consider necessary or desirable for the proper management, regulation and control of the Cemetery”.

- 4 In section 22, after “according to the Established Form of the United Church of England and Ireland,” insert “or for the use of any other denomination or religious body,”.

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- 5 In section 25, for “and under the Direction of the Commissioners of Sewers for the City and Liberty of Westminster and Part of the County of Middlesex, for the Limits of Holborn and Finsbury Divisions, the Parish of St. Leonard Shoreditch and the Liberty of Norton Falgate, and for the Tower Hamlets (excluding Saint Katherine’s and Blackwall Marsh), in the said County of Middlesex”, substitute “with the written consent of the ~~street~~relevant authority, within the meaning of ~~Part 3~~section 49(6)(a) of the New Roads and Street Works Act 1991 (~~which regulates street works~~relevant authority for street works affecting public sewers)”.

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- 6 In section 35, for “shall be conclusive Evidence of the Facts therein stated; and the said Company shall not be liable to give, nor shall any such Incumbent as aforesaid be entitled to require, any other Evidence of the Amount of the Sum payable to him for Fees under the Authority of this Act than the Entries in such Books”, substitute “must be stored so as to preserve them from loss or damage”.

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- 7 For section 42 substitute –

#### “XLII. Consecration, and setting apart for particular denomination

- (1) Subject to subsection (2), the Company may if they think fit –  
(a) apply to the Bishop of the diocese for consecration of any part of the cemetery;

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- (b) set apart for the use of a particular denomination or religious body any part of the cemetery which has not yet been consecrated.
- (2) In exercising the powers conferred by subsection (1), the Company must satisfy itself that a sufficient part of the cemetery remains unconsecrated and not set apart for the use of particular denominations or religious bodies. 5
- (3) The Company may mark off any consecrated part of the cemetery in such manner as they consider suitable.
- (4) Notwithstanding the consecration or the setting apart for the use of a particular denomination or religious body of the part of the cemetery in which any burial is to be effected, the burial may take place without any religious service or with such orderly religious service at the grave, conducted by such person or persons, as the person having the charge of or being responsible for the burial may think fit. 10  
15
- (5) The Company may at the request of a particular denomination or religious body prohibit the interring or scattering of cremated human remains in or over a part of the cemetery set apart for their use.”
- 8 For section 43 substitute— 20
- “XLIII. Grant of burial rights and rights to erect memorials, and agreements for maintenance of graves and memorials**
- (1) The Company may grant, on such terms and subject to such conditions as they think proper—
  - (a) to any person— 25
    - (i) the exclusive right of burial in any grave space or grave, or the right to construct a walled grave or vault together with the exclusive right of burial therein; or
    - (ii) the right to one or more burials in any grave space or grave which is not subject to any exclusive right of burial; 30
  - (b) to the owner of a right described in paragraph (a)(i) or (ii) (or to any person ‘P’ who satisfies them that P is a relative of a person buried in the grave or vault, or is acting at the request of such a relative, and that it is impractical for P, or P’s relative, to trace the owner of the right so described), the right to place and maintain, or to put any additional inscription on, a tombstone or other memorial on the grave space, grave or vault in respect of which the right so described subsists; 35  
40
  - (c) to any person, the right to place and maintain a memorial in the cemetery otherwise than on a grave space, grave or

- vault in respect of which a right described in paragraph (a)(i) has been granted, but—
- (i) in the case of a memorial to be placed in a chapel provided [under section XXII](#), only at the request of persons appearing to the Company to be representative of the Church of England or [any](#) other particular denomination or religious body at whose request the chapel was provided; and 5
  - (ii) in the case of any other memorial being an additional inscription on an existing memorial, only with the consent of the owner of the right to place and maintain such existing memorial. 10
- (2) The Company may from time to time extend the period of any grant under subsection (1) (subject, if they think fit, to any modification of its terms or conditions) for up to 75 years from the date on which the extension is granted. 15
- (3) The Company may, at the expiration of the period of any grant under paragraphs (b) or (c) of subsection (1), or of any extension of such period—
- (a) move to another place in the cemetery; or 20
  - (b) remove from the cemetery, for preservation elsewhere or for ~~destruction~~[disposal](#),  
any tombstone or other memorial which has not been removed from the cemetery by the owner of the right to place and maintain it in the cemetery.
- (4) No body shall be buried in or over any grave in which an exclusive right of burial for the time being subsists except by, or with the consent in writing of, the owner of the right. 25
- (5) ~~This subsection~~[Subsection \(4\)](#) shall not extend to the body, or remains, of—
- (a) the person who immediately before their death was the owner of the right; or 30
  - (b) any other person specified in the deed of grant or in an indorsement thereon made at the request of the owner for the time being of the right by the officer appointed for that purpose by the Company. 35
- (6) The Company shall also have power to agree with any person, on such terms and subject to such conditions as they think proper, to maintain any grave, vault, tombstone or other memorial in the cemetery for a period not exceeding 100 years from the date of the agreement.” 40

9 For section 45 substitute –

**“XLV. Form and register of grants of exclusive right of burial, etc.**

- (1) A grant, or an extension of a grant, under section XLIII must be in writing and signed by the officer appointed for that purpose by the Company. 5
- (2) The Company must maintain a register of all rights, ~~or~~ and any extension of rights, granted by them under section XLIII, showing in relation to each right –
  - (a) the date on which it was granted;
  - (b) the name and address of the grantee; 10
  - (c) the consideration paid for the grant;
  - (d) the place in which it is exercisable; and
  - (e) its duration.
- (3) The Company must make the register available at all reasonable times for inspection by any person free of charge. 15
- (4) The Company may charge such fees as they think proper for the making by them of searches in, and the provision of certified copies of entries in, the register.”

10 For section 46 substitute –

**“XLVI. Disposal of exclusive right of burial**

- (1) A right granted, or an extension of a grant, under section XLIII may be assigned by deed or bequeathed by will. 20
- (2) The Company must, following such investigation as they think proper, record particulars of any assignment or bequest of such a right in the register maintained under section XLV.” 25

11 In section 49 –

- (a) the existing text becomes subsection (1);
- (b) ~~after “Monumental Inscriptions, Grave Stones,” insert “any kerbs surrounding a grave (whether containing any commemorative inscription or not) together with the foundation slabs of such kerbs, any surface fittings, any railings,”;~~ 30
- (b) after “Monumental Inscriptions, Grave Stones,” insert “kerbs surrounding a grave (whether containing any commemorative inscription or not) together with the foundation slabs of such kerbs, surface fittings, railings,”; 35
- (c) after “Permission to erect or construct the same was granted, or in case such Terms and Conditions shall not have been complied with” insert “, or all material ~~particulars are illegible or which is~~ particulars of which are illegible or which are dilapidated by reason of long neglect”; and 40

- (d) omit the words from “: Provided always, that in case of such Resumption of Possession” to the end and insert a new subsection as follows –
- “(2) The powers under subsection (1) are not exercisable in relation to any building of special architectural or historic interest included in a list compiled or approved under section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990 unless the works have been granted consent under section 16 of that Act.”.
- 12 In section 50, for “of Lead, or otherwise enclosed in Pitch of Half an Inch in Thickness between an interior and exterior Coffin of Wood” substitute “constructed of suitable materials”. 10
- 13 In section 51, for the words from “and Copies or Transcripts thereof” to the end substitute, “and Copies of the Register Books must at all reasonable times be available for inspection by any person free of charge. The Company may charge such fees as they think proper for the making by them of searches in, and the provision of certified copies of entries in, the Register Books.”. 15
- 14 In section 119, for “Commissioners of Sewers for the City and Liberty of Westminster and Part of the County of Middlesex, for the Limits of Holborn and Finsbury Divisions, the Parish of St. Leonard Shoreditch and the Liberty of Norton Folgate, and for the Tower Hamlets (excluding Saint Katharine’s and Blackwall Marsh), in the County of Middlesex” substitute “~~street~~[relevant](#) authority within the meaning of ~~Part 3~~[section 49\(6\)\(a\)](#) of the New Roads and Street Works Act 1991”. 20 25

## SCHEDULE 2

Sections 6 and 23(2)

### REPEALS

#### PART 1

##### REPEALS RELATING TO THE COMPANY

<i>Chapter</i>	<i>Title or short title</i>	<i>Extent of repeal</i>	
2 & 3 Will. 4 c. cx (1832)	An Act for establishing a General Cemetery for the Interment of the Dead in the Neighbourhood of the Metropolis	Sections 8 to 20. Sections 23 and 24. Section 40. Sections 52 to 102. Sections 105 to 117.	30 35

<i>Chapter</i>	<i>Title or short title</i>	<i>Extent of repeal</i>
2 & 3 Vict. c. v (1839)	An Act for enabling the General Cemetery Company to raise a further Sum of Money and for amending the Act relating to the said Cemetery	Sections 1 to 8. Sections 12 and 13.
1937 (c. xxiii)	General Cemetery Act	Section 2. Sections 4 to 18. Section 20. <a href="#">The Schedule.</a>

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## PART 2

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### REPEALS RELATING TO THE CEMETERY

<i>Chapter</i>	<i>Title or short title</i>	<i>Extent of repeal</i>
2 & 3 Will. 4 c. cx (1832)	An Act for establishing a General Cemetery for the Interment of the Dead in the Neighbourhood of the Metropolis	Sections 5 to 7. Sections 27 to 34. Sections 36 to 39. Section 41. Section 44. Section 47. Sections 103 <del>to</del> <a href="#">and</a> 104.
2 & 3 Vict. c. v (1839)	An Act for enabling the General Cemetery Company to raise a further Sum of Money; and for amending the Act relating to the said Cemetery	Sections 9 to 11.
1937 (c. xxiii)	General Cemetery Act	Subsection (4)(a) of section 3.

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# General Cemetery Bill [HL]

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[AS PROPOSED TO BE AMENDED IN COMMITTEE]

A

## B I L L

TO

Make new provision for the regulation and management of the General Cemetery Company upon its registration under the Companies Act 2006; to permit the transfer of the ownership and management of Kensal Green Cemetery and West London Crematorium to a charity; and to confer powers upon the General Cemetery Company to extinguish rights of burial and disturb human remains in Kensal Green Cemetery for the purpose of increasing the space for interments; and for connected purposes.

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SESSION 2024-2025

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17.06.2025

# Kensal Green Cemetery

Steering Group Member / Trustee [search](#)

[Information pack](#)

May 2025

## Introduction

Today Kensal Green Cemetery is at the start of an exciting new chapter in its history. After several years of hard work and collaboration with stakeholders such as Historic England, a private Bill is currently passing through parliament that will enable the General Cemetery Company to transfer the land, buildings and company into the ownership of a newly formed charity. As a result, the cemetery will be owned and operated by a modern organisation with contemporary powers and freedoms, releasing it from the constrained governance arrangements of the founding Act(s).

In parallel with the Bill making its passage through parliament, the General Cemetery Company directors are setting up a Steering Group that will form the embryo of the board of trustees of the proposed charity that will ultimately own and operate the site.

We are therefore seeking three experienced external individuals to join the Steering Group and contribute towards the establishment of the new charity and form the starting point for a larger board of trustees. It is anticipated that the Steering Group members will transition into trustees in the next 12 months or so as the charity is established.

## About Kensal Green Cemetery

Kensal Green Cemetery and the company that owns and operates it - the General Cemetery Company - was established by an Act of Parliament in 1833. It is one of the 'magnificent seven' great Victorian London cemeteries and the only one that remains owned and operated by its original founding company.

Kensal Green Cemetery is widely regarded architecturally as the most important of the great Victorian cemeteries, containing the greatest concentration of buildings and monuments of particularly high-quality design. As the chosen location for several Victorian royal burials, Kensal Green Cemetery also became regarded as particularly desirable amongst the great and the good of Victorian and Edwardian society.

Over the last half a century the General Cemetery Company has struggled to keep up with the huge task of maintaining the site to the standard it deserves. And as time has passed, the General Cemetery Company's 200-year-old governance framework has become increasingly anachronistic in the modern world, preventing it, for example, from applying for major capital grants or making structural changes to the way the site is owned and operated. Whilst the company is in reasonable financial shape and actively serving its community with burials and cremations, parts of the cemetery are in poor condition and it contains one of the largest concentrations of 'Heritage At Risk' structures in England.



## Our vision

The GCC directors and inaugural members of the proposed charity have established an outline vision for the future of Kensal Green Cemetery for the next 25 years to 2050 to give the proposed charity a clear purpose. We have also started to set a series of objectives that the charity must deliver to give its role and function more definition:

***The vision is to care for Kensal Green Cemetery as a place of burial, cremation and quiet contemplation for current and future generations of our diverse community. To do this we will carefully and sensitively conserve and repair our buildings and monuments, promote education about them and improve the condition of infrastructure & landscape whilst operating an active cemetery and crematorium for the public benefit.***

The strategic objectives are:

- 1. To maintain an open and active cemetery and provide for existing and future generations of friends and families of the deceased*
- 2. To conserve and enhance the heritage of Kensal Green Cemetery;( the densest concentration of highly listed heritage assets in England)*
- 3. To continue to operate a high quality, financially viable cemetery and crematorium whilst diversifying income streams from other assets and activities*
- 4. To engage and educate people about the social, economic, architectural, environmental and cultural history of the cemetery and those buried in it*
- 5. To balance the conservation and enhancement of the historic landscape features with nature conservation to provide a green space for commemoration and the quiet enjoyment and contemplation of the community.*

## Person specifications

We are seeking three high calibre individuals to the following three roles:

1. Treasurer
2. Heritage-lead
3. Management-lead

Further details are provided in the specifications below however it is key that all three trustee roles are filled by individuals who have board-level experience and experience of charities, and ideally charitable start-ups in particular.

We are looking for individuals who understand and will embrace our vision and who can help to shape plans for the future of Kensal Green Cemetery.

In the short-term the individuals will be members of the Steering Group. It is anticipated that these individuals will be key members of the team which will create the proposed charity and that their roles will transition to trustees during their tenure.

Treasurer	
<b>Main responsibilities</b>	<p>Main responsibilities are likely to include:</p> <ul style="list-style-type: none"><li>• Setting up and overseeing the charity's financial affairs working closely with the charity's executive team</li><li>• Ensure that annual reports and returns are prepared and filed in a timely fashion</li><li>• Monitor and report to the board of Trustees on the financial health of the charity by producing quarterly management accounts.</li><li>• Advise on the financial implications of the charity's strategic plans by producing long term cashflow forecasts.</li><li>• Formulating suitable financial policies and investment plans</li></ul>
<b>Required for this role</b>	<p>Candidates must be able to demonstrate:</p> <ul style="list-style-type: none"><li>• An understanding of the legal duties and responsibilities of Trusteeship</li><li>• Significant experience (15+ years) of working in a senior financial position such as CFO or equivalent</li><li>• Recognised accountancy qualification(s)</li></ul>
<b>Desired for this role</b>	<p>Candidates should be able to demonstrate:</p> <ul style="list-style-type: none"><li>• Board level experience</li></ul>

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	<ul style="list-style-type: none"> <li>• Experience of corporate or charitable treasurer roles</li> <li>• Experience in the charity sector, ideally of charity start-ups</li> </ul>
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Heritage-lead	
<b>Main responsibilities</b>	<p>Main responsibilities are likely to include:</p> <ul style="list-style-type: none"> <li>• Take a lead role in overseeing our mission to conserve and enhance the heritage of Kensal Green Cemetery including buildings, monuments, landscape and archival material</li> <li>• Act as an advocate and champion for the heritage of the cemetery helping to raise its profile and extend its network within the heritage sector</li> <li>• Support statutory planning matters relating to heritage assets</li> <li>• Engage in fundraising and project development efforts for conservation campaigns and projects</li> <li>• Foster and maintain positive relationships with key statutory and non-statutory bodies such as Historic England, The National Lottery Heritage Fund, Victorian Society and SAVE, etc.</li> </ul>
<b>Required for this role</b>	<p>Candidates must be able to demonstrate:</p> <ul style="list-style-type: none"> <li>• Significant experience (15+ years) of working in the UK heritage sector including working with Heritage At Risk</li> <li>• Experience of working with Historic England, Local Authorities and The National Lottery Heritage Fund</li> <li>• An understanding of the legal duties and responsibilities of Trusteeship</li> </ul>
<b>Desired for this role</b>	<p>Candidates should be able to demonstrate:</p> <ul style="list-style-type: none"> <li>• Board level experience</li> <li>• Experience in the charity sector, ideally of charity start-ups</li> <li>• Experience of heritage project development and delivery</li> <li>• Capital fundraising experience</li> </ul>

Management lead	
<b>Main responsibilities</b>	<p>Main responsibilities are likely to include:</p> <ul style="list-style-type: none"><li>• Promote and oversee high standards in governance, compliance and performance</li><li>• Provide input and strategic insight to the board and management team on strategy development, organisational management, leadership and development</li><li>• Take a lead role in strategic risk identification and management</li><li>• Promote diversity and inclusion across the organisation</li></ul>
<b>Required for this role</b>	<p>Candidates must be able to demonstrate:</p> <ul style="list-style-type: none"><li>• Significant experience (15+ years) of working in a senior management position such as COO or equivalent in the corporate, charity or public sector</li><li>• Experience of major transformation or organisational development projects</li></ul>
<b>Desired for this role</b>	<p>Candidates should be able to demonstrate:</p> <ul style="list-style-type: none"><li>• Board level experience</li><li>• Experience of charity start-ups or commercial start-ups</li><li>• Fundraising network</li></ul>

## What you will gain

- The opportunity to shape an organisation responsible for one of the most remarkable concentrations of heritage assets in England
- Satisfaction for being responsible for a cemetery and crematorium that is deeply rooted in the lives of the West London community
- The opportunity to develop your strategic and leadership skills
- Working with a friendly and committed team of trustees and staff.

## Location

All members of the Steering Group and successor trustee board will be expected to participate fully in the development of proposals for the future of Kensal Green Cemetery including at the attendance of events and relevant meetings on site in London. It is expected that there will be five formal meetings each year which will be a mixture of virtual and in person that members will be required to attend as a minimum. During the first formative year or so of



the start-up phase we expect the level of time commitment will exceed that of a typical trustee position.

## Terms of appointment

The three roles are voluntary and will not be remunerated however reasonable expenses will be reimbursed.

The appointment is for a three-year term, which can be renewed for one further term.

## How to apply

To apply please send a CV and a covering letter to [office@inghampinnock.com](mailto:office@inghampinnock.com)

The deadline for submissions is 1pm on Monday 21st June 2025. We expect to short-list and interview prospective Steering Group members during July 2025.

## About being a Trustee

It is fully expected that the individuals we are seeking for the Steering Group will transition into trustees in due course. More information is available online about general trustee responsibilities from websites such as the Charity Commission however, in summary, trustees have overall control of a charity and are responsible for making sure it's doing what it was set up to do. Trustees have six main overarching duties:

1. To ensure their charity is carrying out its purposes for the public benefit
2. To comply with their charity's governing document and the law
3. To act in their charity's best interests
4. To manage your charity's resources responsibly
5. To act with reasonable care and skill
6. To ensure their charity is accountable.