

House of Lords
CORRECTED MINUTES OF EVIDENCE

taken before the

UNOPPOSED BILL COMMITTEE

on the

General Cemetery Bill [HL]

Tuesday 17 June 2025

Before:

LORD GARDINER OF KIMBLE, Senior Deputy Speaker, House of Lords
CHÉ DIAMOND, Assistant Counsel to the Chairman of Committees
KATE MEANWELL, Clerk of Delegated Legislation

NICK EVANS, Broadfield Law UK LLP, Parliamentary Agent for the Bill

There also appeared:

CHRIS JOHNS, General Cemetery Company

KELLY FARRINGTON, Kensal Green Cemetery and the West London Crematorium

ROSS INGHAM, Ingham Pinnock Associates

(2 pm)

1. **THE CHAIR:** I am Lord Gardiner of Kimble, Senior Deputy Speaker. On my right is Mr Ché Diamond, counsel. These proceedings are being broadcast and transcribed. The transcript will, as usual, be put on the parliamentary webpage in due course. May I begin by welcoming Mr Evans, parliamentary agent for the promoters? May I ask you, Mr Evans, to introduce those sat next to you and then proceed to introduce the Bill and describe its main provisions, the proposed amendments and, indeed, the undertaking?

2. **NICK EVANS:** Good afternoon, my Lords. My name is Nick Evans. I am a

parliamentary agent and solicitor instructed by the General Cemetery Company, which is the promoter of the General Cemetery Bill. Despite its name, it is concerned with a specific cemetery, that at Kensal Green, together with the associated West London Crematorium. I am joined this afternoon by, on my left, Chris Johns, who is the chair of the directors of the General Cemetery Company. On my right is Kelly Farrington, who is the general manager and registrar of the Kensal Green Cemetery and the West London Crematorium. To Chris's left is Ross Ingham of Ingham Pinnock Associates, who has been advising the GCC on its plans to repair and conserve the historic features of the cemetery.

3. For a little bit of background to the Bill, if that is all right, my Lord, the GCC was established in 1832, so slightly before the rooms we are sitting in now were burned down, by an Act of Parliament called an Act for Establishing a General Cemetery for the Interment of the Dead in the Neighbourhood of the Metropolis. That is its title to this day; it does not have a Short Title. In essence, the problem at the time was that "all the cemeteries and burial grounds in London and Westminster were so occupied and filled with graves", in the words of the preamble, "as to be altogether insufficient for the increasing population of the metropolis". Various private companies were given powers by Parliament to establish new cemeteries in what was then open countryside adjacent to London and Westminster and to run those cemeteries for a profit.

4. Kensal Green was the first of those great Victorian private cemeteries, known as the "magnificent seven". It now spreads over 72 acres in the boroughs of Kensington and Chelsea and Hammersmith and Fulham. There are over 65,000 graves in the cemetery and around 120,000 interments there, so the population within the cemetery is roughly the same as the borough of Kensington and Chelsea above it. The 1832 Act was supplemented by further Acts of Parliament in 1839 and 1937, which updated the operating powers and enabled the company to construct and operate the West London Crematorium.

5. Today, the cemetery is the only one of the “magnificent seven” that is still owned and operated by its original founding company. The others have been closed or compulsorily taken over by local authorities. This fact has had consequences for the repair and conservation of the features of the cemetery. The cemetery is, we think, hugely significant in terms of its history and architecture. Like the rest of the “magnificent seven”, it was built in an intricate landscape design, with lots of remarkable set-piece buildings dotted round the cemetery that have become surrounded by monuments and mausolea of great variety and style. The site itself is a grade I registered landscape. It contains a grade I listed Anglican chapel, a grade 2* dissenters chapel and other grade 2* and grade 2 listed buildings, 10 grade 2* listed monuments and 147 other listed assets, monuments, and memorials.

6. Historic England has stated that the cemetery is one of the most important historic places in London, but, sadly, many of the buildings and structures are in a poor condition and on Historic England’s Heritage at Risk Register. Although the maintenance of monuments and memorials in a cemetery is not strictly a matter for the burial authority but for the individual owners, the passage of time naturally means that fewer and fewer owners keep up their memorials, or even know that they are supposed to do so. The cost associated with repairing and conserving the large number of historic buildings and structures, some of which are nearly 200 years old now, has increasingly become a matter for the GCC.

7. Around 10 years ago, there was a wholesale change in the board of directors of the GCC, and they sought ways of dealing with the necessary works. The GCC has invested a lot of its own money in repairs, but the unbroken chain of ownership at Kensal Green, which gives it particular historic significance, also means that the rules and regulations that govern the cemetery company are nearly 200 years old. They limit the GCC’s ability to carry out the repair work that is needed. In particular, as a statutory company, the GCC can only do the things that its governing legislation allows it to do. Because it predates the first general

companies Act in 1856, it is the 1832 Act itself that regulates a number of the things that would normally be in a company's articles of association.

8. For instance, the amount of money that the GCC can borrow is not something for it just to agree with its shareholders and potential lenders. It is set out in the old Acts, so the GCC cannot simply borrow the money that it needs to fund the repairs of the memorials. Nor can it apply for grant funding. The National Lottery heritage grants of the scale that are required are only available for not-for-profit organisations and the GCC was established as a for-profit company, so it cannot apply for them. Nor can it simply establish a charity and lease or sell the cemetery to it, because the old Acts prevent it from doing so. In short, the GCC sought specialist advice on this matter, and the advice was clear. The old Acts effectively prevent the GCC from taking the measures that are needed to repair and conserve the various historic buildings and monuments in the cemetery, and so it is promoting this Bill to amend the old Acts and give it the powers that it needs.

9. The Bill has three main purposes, and these are broadly followed in the parts that it is broken into. The first purpose is to update the legislation regulating the GCC. It would be able to register under the Companies Act and operate in the same way as a normal company.

10. The second main purpose is to authorise the GCC to transfer the ownership and management of the cemetery to a charity. As a not-for-profit entity, the charity would be able to apply for the necessary grant funding that is required.

11. The third main purpose is to modernise the operating powers for the cemetery, and this has two main aspects. First, the operating powers in the old Acts would be amended so that they are expressed in more modern terms. Modern in this case means the 1970s, but it is much more modern than the 1830s. These would be based on the Local Authorities' Cemeteries Order 1977, which has the equivalent operating powers for municipal cemeteries. Secondly, the Bill grants the GCC powers to extinguish unused burial rights and

to disturb and reinter remains in graves in order to create new space in graves. Only around 1% of the cemetery is still available for burials. The GCC still sells around 15 graves a year, but it expects to be full within 10 years. Grave-renewal powers that are now available to local authorities in certain private cemeteries in London are needed for the cemetery to continue as a working cemetery and not simply become a tourist attraction.

12. If I then go to the filled-up Bill, which contains the various amendments that the GCC asks the committee to make to the Bill, these include amendments that have been agreed with Historic England, the Ministry of Justice, the Attorney-General's Office and the local authorities, and a number of amendments identified by Mr Diamond, whose assistance has been most helpful throughout.

13. Part 1 is simply the preliminary provisions. We have proposed a number of amendments here, predominantly to remove definitions or change definitions if they are no longer required, or to improve the drafting clarity. We have proposed a change in Clause 1 so that the provisions of the old Acts that give a power to make bye-laws and make it an offence to commit a nuisance in the cemetery would be repealed when bye-laws under the new Bill come into force.

14. Part 2 is the part of the Bill that deals with the regulation and management of the company. Clause 3 enables the company to register under the Companies Act 2006 and to adopt articles of association, which would then take precedence over the provisions of the old Acts that regulate the company. The clause also enables the GCC to keep the historic name, the General Cemetery Company. Ordinarily, it would have to put a "Ltd" afterwards, but, in order to keep the same name, we have put a specific provision in there enabling that to happen.

15. Clause 4 makes it clear that the rights of third parties vis-à-vis the company are not affected simply because it has been registered. Clauses 5 and 6 introduce part 1 of each of

schedules 1 and 2. Those amend and repeal the provisions of the old Acts that regulate the GCC. Those will come into force when the GCC has registered under the 2006 Act, so those provisions of the old Acts would fall away.

16. Part 3 deals with the ownership of the cemetery and its transfer to a new charity. It starts off in Clause 7 by introducing the concept of the primary objects that the charitable transferee must have. In essence, these are charitable objects relating to the operation, repair and conservation of the cemetery for the public benefit. Whichever body is responsible for the cemetery in the future must be a charity and its charitable objects, while it can have more objects, must include those primary objects. Whoever is managing the cemetery in the future has to act with those objects in mind.

17. Clause 8 then provides for the ownership of the cemetery to transfer to this new charity, together with all the powers, rights and liabilities that go with it, including the statutory powers under this Bill and the old Acts. From that date onwards, any reference in other legislation to the GCC would have effect as if it said “the charitable transferee”. We propose an amendment to this clause, and that is in subsection (6). We wanted to make sure that, by transferring all of those liabilities by statute, we did not do anything that affected the operation of the TUPE regulations, so that the people who are employees of the GCC now would continue to have those rights as employees of the charitable transferee.

18. Clause 9 makes it clear that the charitable transferee can operate and manage the cemetery, and Clauses 10 and 11 give the charitable transferee powers to grant easements or leases in relation to parts of the cemetery. This would enable, for instance, a separate operating company to operate the crematorium as opposed to the rest of the cemetery. This would be a new power for the charitable transferee that the GCC does not currently have. Clause 12 allows for future transfers of the cemetery in case this proves to be necessary, but it retains the requirement that the new transferee must be a charity and must have the

primary objects again.

19. Clause 13 sets out when this is going to happen, in essence, by giving the GCC a power to appoint a day—"the appointed day"—on which the transfer takes place. This must be after the charitable transferee has been registered by the charity commission, so it must be a charity. We have agreed to amend subsection (3) at the request of Historic England to make sure that, not only will we publish this notice in the Gazette, but we will also serve a copy of this notice on the Church of England, the Commonwealth War Graves Commission, Historic England and the local authorities, so that they are aware that a transfer has occurred.

20. There are a couple of questions that arise in relation to the proposed transfer, i.e. when it would take place and what would happen to the GCC afterwards. I do not know, my Lord, whether it is convenient to deal with those now.

21. **THE CHAIR:** Yes, do.

22. **NICK EVANS:** In terms of timing, given that the need for grant funding is urgent and charitable status unlocks that, the GCC intends for the transfer to happen as soon as possible after Royal Assent, ideally within 12 months, subject to Charity Commission approval of the new charity. I probably ought to have asked right at the start whether you had a copy of the bundle of exhibits, so I will just check that you do. In tab 8 of that, we have the advertisements that have been placed for potential trustees of the new charity and as a steering group to take that body forwards.

23. In addition, the GCC has had discussions with a number of stakeholders about its proposals. As part of this, it has agreed with the interested charity, the Friends of Kensal Green Cemetery, to give an undertaking about when the transfer would take place, as the friends were keen to ensure that the GCC did not use or start exercising the grave-renewal powers, which I will come on to shortly, before the transfer had taken place. The

undertaking is in the bundle of exhibits at tab 6, but, for the record and to make it easier for them to find, because it will be on the Bill pages on Parliament's websites, I undertake on behalf of the General Cemetery Company that 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. The plan is for it to happen as soon as possible, ideally within 12 months of Royal Assent, but certainly before the grave-renewal powers start to be exercised.

24. In terms of what would then happen to the GCC after the transfer of the cemetery, the current intention is that it would become a wholly owned subsidiary of the new charity. The charity could then decide to use the GCC as a trading subsidiary, as a number of charities own companies for that purpose. It could operate part of the cemetery, or the charity, as its owner, could simply decide to wind it up. That would be a matter for it in the future as the new owner.

25. Turning to Part 4 of the Bill, this updates the legislation regulating the cemetery. There are a number of amendments proposed in the filled-up Bill here, as I am sure you have noticed, predominantly because we agreed with the Ministry of Justice that it would be sensible to call things bye-laws rather than regulations. A good number of those amendments make that change.

26. Clauses 14 and 15 update the GCC's existing powers to make bye-laws regulating the cemetery, replacing the existing bye-law-making powers in modern language. Clause 15 in particular adopts the same process that applies to local government bye-laws under the Local Government Act 1972. Clause 16 originally proposed replicating the existing offence of causing a nuisance in the cemetery, but, on reflection, at the request of the Ministry of Justice, we consider that this duplicates the effect of the bye-laws, and so would propose, with the Committee's agreement, to delete Clause 16.

27. We would also propose a new Clause 16, which, happily, goes into that place. The Attorney-General's Office noted that some of the references in the bye-law-making procedure do not quite work if the new charity is a charitable incorporated organisation rather than a charitable company, so Clause 16 modifies a couple of those references. In short, CIOs do not have a registered office as such, so we have tweaked the language there.

28. Clause 17 gives a power to cancel burial rights that have not been exercised so that these can be resold. When the cemetery was established, the GCC offered private family graves where family members could be buried together. Those rights of burial were granted in perpetuity, which seemed like a great idea at the time, but 200 years later has caused issues, because families were more mobile than anticipated. Some of the graves that were purchased have simply never been used and may well have been forgotten by the people who own those rights. Given the significant passage of time, in many cases it is no longer possible to identify or locate the people who have these burial rights, but the rights still exist, so nobody else can lawfully be buried in these grave spaces.

29. The GCC believes that 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. To ensure this would happen, Clause 17 would give the GCC a power to cancel rights that have not been exercised for at least 75 years. Experience has shown that, if they are not exercised within 75 years of being sold, they are never exercised.

30. We would give at least six months' notice. If the owner of the burial right objects, the rights cannot be cancelled. The GCC would welcome that because it would then be in contact with the owners of those rights again. If somebody else objects, the rights could be cancelled only if the Secretary of State approves this. If the owner of the rights objects after

the cancellation, so they notice but after the six months has come up, either they would be compensated for the loss of the rights or potentially the rights could be revived, because, from the GCC's perspective, it is agnostic as to who exercises those rights, provided that somebody does.

31. In some cases, a burial may have taken place in a grave space, but it is possible to create space for more burials by carefully and respectfully disinterring the existing remains, and then reintering them at a deeper level within the same grave. Clause 18 authorises the GCC to do this in cases where there is no longer any right of burial, either because it has been cancelled under Clause 17 or otherwise. Again, the last burial must be at least 75 years ago and at least six months' notice must be given. If there is an objection from the former owner of the rights or a relative of a person whose remains would be disturbed, no disturbance can take place for at least 25 years, and the GCC would have to go through the notice process again.

32. These powers apply across the cemetery but, under Clause 19, certain graves would have extra protection. There are 556 Commonwealth war burials in 203 graves in the cemetery, and Ms Farrington will kick me if I have got either of those numbers wrong. The grave-renewal powers cannot be used in relation to those graves without the agreement of the Commonwealth War Graves Commission. Much of the cemetery is consecrated and the powers could not be used in relation to the consecrated parts of the cemetery without approval from the Church's diocese. That is a faculty in their language. The Bill does not affect the planning or listed building regimes, so listed building consent would be needed to move any listed memorials.

33. In addition, subsections (4) to (9) of Clause 19 provide for the creation of a list of protected graves, which are significant but not formally listed. This is based on a similar provision in Highgate. The GCC must consult Historic England and the local planning

authorities before publishing this list or making changes to it, and it needs their agreement before using the grave-renewal powers in relation to any of these protected graves.

34. Clause 20 sets out the process that the GCC must take to bring the grave-renewal proposals to the attention of affected parties. It must give notice directly to the owners of any affected rights, or at least at the last address it has for them. It must give notice directly to the Commonwealth War Graves Commission and Historic England. It must also publish notices or display notices at the entrance to the cemetery, as near as possible to the affected graves and in newspapers twice. In older precedents, this has said “local newspapers”, but that probably is not as effective these days, so we have gone for “newspapers”. The GCC must also publish on its website or using equivalent electronic means, and by this we mean that there are other websites, for instance genealogy websites, that people consult when they are interested in various cemeteries. Those may be a good way of drawing these proposals to people’s attention.

35. The powers in Clauses 17 and 18 include powers to remove any memorials on the graves concerned. Clause 21 provides that those remain the property of their owners, but they can be disposed of if not claimed within six months. Clause 22 requires the GCC to keep records of any remains disturbed under these powers. These provisions in Clauses 17 through 22 are based on similar powers available to local authorities in London, as well as New Southgate Cemetery, Highgate Cemetery and Bishop’s Stortford Cemetery, all of which have had similar issues with lack of grave space and have promoted private Bills to this effect in recent years. The GCC thinks that they are a proportionate way of ensuring the cemetery maintains its character and balances the interests of future generations with the need to commemorate the generations that have passed.

36. Clause 23 then brings into effect part 2 of schedules 1 and 2, which amend and repeal the provisions of the old Acts that regulate the operation of the cemetery and replace

them with more modern provisions. The new powers are broadly the same as the old ones, but they are expressed in more modern terms. For instance, in 1832 it is a specific requirement that the coffins had to be made out of lead or two layers of wood with half an inch of pitch in between them. If the Bill is passed, they can be made out of any suitable materials. It is changes to that effect.

37. The GCC recognises the importance of the cemetery's heritage and takes its responsibilities as custodian of that heritage seriously. It is keen to ensure the architectural integrity of the cemetery is maintained if the Bill goes through and the grave-renewal powers are exercised. It has agreed with the Friends of Kensal Green Cemetery and Historic England that it will produce a conservation management plan which sets out how it proposes to conserve the cemetery when exercising those powers. This will be based on technical guidance that has been issued for London local authority cemeteries that already have these powers. Similar commitments apply to New Southgate and Highgate, so that appears to be the tried and tested mechanism for private cemeteries of this nature to set out their policies for the preservation of the architectural integrity.

38. I mentioned earlier that the GCC agreed some undertakings with the Friends. These include undertakings about the way in which the grave-renewal powers are exercised. If it is convenient, I would propose to formally read those undertakings on to the record as well. I undertake on behalf of the GCC that, 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. I undertake on behalf of the GCC that, 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.

39. The agreement that is in your exhibits makes it clear that, where we say “the burial authority” here, we mean the company itself or the charitable transferee or another person to whom those powers have been transferred. Clause 8 has the effect that the references to the GCC include those other bodies. That is all that I propose to say about the Bill and its provisions. I wondered whether you had any particular questions for us.

40. **THE CHAIR:** Thank you very much for your thorough and comprehensive overview and description of the Bill and the amendments, and indeed the undertaking, which is obviously important. You have covered so much of it. The company, as you describe, has owned and managed the cemetery for nearly 200 years. I wondered what particularly triggered this now as to concluding that it could not continue to do so. In other words, was it that a charitable body would be a much better avenue for the work that the cemetery has been seeking to undertake? I wondered whether you could describe again the reasons for changing now after 200 years.

41. **NICK EVANS:** Thank you, my Lord. I will make a start and then perhaps Mr Johns will fill in some more of the detail.

42. In essence, approximately 10 years ago there was a wholesale change in the directorship of the General Cemetery Company. The new directors looked at the obligations they had and started to devote more time and attention to finding a way of repairing and conserving the various historic features of the cemetery. They sought to obtain grant funding in a number of areas. They sought to use their own resources, but it became apparent that the grant funding avenues were not open to them because of their lack of charitable status. They considered whether it was possible to lease part of the cemetery to a body that could benefit from that status. It was discovered that they could not do that as well. They sought leading counsel’s advice, and that advice made it very clear that the blocker

was the old legislation. In order to deal with the inheritance they found themselves with, they found that it was necessary to update the legislation. Mr Johns, there must be parts of the story that I have missed out.

43. **CHRIS JOHNS:** Thank you, my Lord. If we go back 10 years, a number of the directors had been directors for a very long time. There has been a sea change in the board in that time and a realisation that with so many iconic structures, some of which are of national importance in terms of heritage, something had to be done to rectify the decline of these structures. That was coupled with the fact that we were losing available burial space at a significant rate—we are possibly now down to around seven to 10 years of maximum new burial space—with no powers to do very much about that.

44. The company had, over a number of years, invested quite a bit of its own funds into the maintenance of some of these structures, often ably assisted by Historic England. We realised that this situation could not continue without some remedy.

45. **ROSS INGHAM:** If I may add to that to put it into some financial context, the General Cemetery Company is viable and broadly profitable, as it stands today, but the scale of the financial challenge in terms of the repairs and conservation liabilities that are associated with the estate are more significant than it could ever hope to fund itself out of its reserves or its profits.

46. Nick and Chris have both referenced circa 10 years ago when there was this sea change. It was around about that time that there was a recognition and an understanding of what the viability gap, if you like, or the conservation deficit was in financial terms. That is a really important factor in that decision-making process.

47. I will also add, if I may, that the relationship with Historic England over the last five to 10 years has been really positive and really collaborative. The support that Historic England has given the cemetery over that time has helped steer the company in the direction that we

are going in today. That is worth referencing.

48. **THE CHAIR:** Thank you very much. As we have got to the heritage side of your responsibilities and the conservation plan, you have described the number of impressive memorials and monuments within the cemetery and the policy of the company in preserving architectural integrity. I am mindful of the description of the Anglican chapel. One wonders whether the Church of England has a responsibility for it in some way. I just wonder about the extent to which you as the company and the charitable body are minded that there may be responsible owners, which will need to be involved in some sort of partnership with the charitable money that you wish to generate and the funds that you have within now the company and the charitable body. This plan has a sense of partnership. It is not just the charitable body; there will be other institutions or owners. To what extent will this new legislation put the charitable body in a better position to leverage—I will use that word—both funds and perhaps more direct pressure, given these continuing responsibilities for owners?

49. **CHRIS JOHNS:** My understanding on that, my Lord, is that, although the chapel is consecrated and the Church has powers over some aspects of it, it is not and has not been a contributor to the chapel historically other than to consecrate it. To the best of my knowledge, it has never contributed to the maintenance of the chapel in any way.

50. **THE CHAIR:** I perhaps have one supplementary. I have seen the photographs and the description of the deterioration. I am really flagging up that going forward there should perhaps be more of a partnership between the owners of these structures and those who may have a residual or moral responsibility to assist the charitable body. I do not want to labour that because in a sense how you take that forward is going to be for your decision, but it did occur to me.

51. I want to get a better understanding of the shortage of space for further burials.

Clearly, there are a finite number of burial spaces. I remember your description of the years of space. There may well come a point where, whatever is within these provisions, you become a burial place for a lot of the cemetery area. You talk about it becoming a tourist attraction. At the moment, it is a burial place, a crematorium and a tourist attraction. I am presuming that in your thoughts for the future is the idea that this may well become more predominantly a place to be visited because of its extraordinary architecture, particularly some of the older burial places.

52. I was wondering about the quantification of the rights of burial that have never been used. Does this Bill provide an opportunity to quantify the number of sites? What sort of area will be affected by the powers of the Bill in terms of the extinguishing of burial rights? What are the varying provisions of this Bill going to provide for you in terms of extra burial spaces?

53. **NICK EVANS:** The GCC has not been able to do a comprehensive review of all the spaces to work out exactly how many rights are unused across the whole of the cemetery. It is in the process of updating its register in parallel with this and so will hopefully be able to do that in the future.

54. What it has done is to take a snapshot of a particular area to identify how many graves could potentially become available initially, should these powers be made available. This snapshot takes account of not just whether the graves or the rights have been unused but also factors such as where graves are physically relative to an access point. If, for example, you have a pathway or road within the cemetery, a grave that is full next to the road and a grave with spaces beyond that, you might still not be able to access the one beyond that because of the full grave that is nearer. It also takes account of the listed memorials and so on, as well as features such as buildings that have been put there over the years.

55. We have taken a snapshot and extrapolated from that. That leads us to think there would be made available somewhere in the region of 1,200 to 1,300 spaces initially. At the moment, the company is selling between 10 and 15 new burial spaces per year. That is partly as a result of supply and demand. There are not very many spaces. The price has gone up, and so people are buying fewer of them. If more became available, we would probably be able to sell some more.

56. Once we have carried out the fuller exercise of identifying precisely where there is available space, we think that not only would there be the initial 1,200 or so, but over time, as more and more graves were more than 75 years old, those in turn would become available. We would hope that that would be able to continue sustainably into the future. We would not be able to identify a particular sector of the cemetery and make an entire acre available because there are graves of different ages dotted throughout the cemetery. It would be a space here and a space there. It would probably add another 20 or so per year but on a sustainable ongoing basis.

57. **THE CHAIR:** I see. You referred to it, but I imagine that the grade I listing of some of the buildings, memorials and monuments would mean that this is going to be exercised only in certain parts of the cemetery, given the impact on its architectural integrity and the importance of its feature as an attraction as well as a burial site. There will be parts of the cemetery where you are presumably not thinking of availing yourself of these powers because of the listing and the monuments themselves.

58. **NICK EVANS:** That is likely to be right, my Lord. Certainly, if graves had listed memorials on them, we would not be able to remove those memorials without listed building consent. We would need to satisfy the criteria for that. It is quite likely to be the case that, if you want to buy a grave space, you would like to be able to put up your own memorials there and you would like the existing ones to be removed. In a number of cases,

rights have never been exercised and there are no memorials there, so the issue does not arise, or the memorials have fallen into such a state of disrepair that they do not make any contribution to the special historical or architectural interest of the cemetery. Those would potentially be available for use.

59. This is exactly the sort of thing that, working in partnership with Historic England and the local planning authorities, the GCC would expect the charitable transferee to set out in the conservation management plan in order to make clear, looking at the non-listed memorials and non-protected memorials, which would be the appropriate sites to make use of this power.

60. The actual reclamation of rights and disinterment and reinterment would not, on its own, we think, trigger the heritage controls, but the removal of memorials would, and would be controlled in that way.

61. **THE CHAIR:** Yes. The other thing from the charitable body's point of view is the need to ensure that the integrity of this very impressive place is preserved and improved. That balance is, again, a matter for you.

62. There was reference to the updating of the register, et cetera. Clearly, given the provisions of the Bill, mindful of extinguishment and disturbance, it is important to have up-to-date data on your register for contacting lineal descendants and so forth. I realise that you have described some of this, but I wonder whether you could explain a bit more about the way in which you will be researching and updating your listings. Clearly, this could be an emotive issue. Even if they are over 75 years old, you are potentially disturbing a family that goes some way back. There might be objections, if it were known. Therefore, it is important to ensure that you have done the research. I am mindful of all the platforms to find out about ancestry and so forth. What plans do you have, when you are thinking about using these provisions, to ensure that the families concerned are aware of it and therefore have the

ability to say, “No, we do not wish for this to be done”?

63. **NICK EVANS:** My Lord, the starting point is the register of the rights that have been granted. It is maintained. It is not computerised, it is fair to say. The information in it is as up to date as the purchasers of the rights have made it. They have given their addresses when they have purchased the rights and updated that from time to time.

64. When a funeral is organised, the person who has the right is likely to be the person whose funeral it is. The person who has organised the funeral will usually be in contact with the descendants. If a right is inherited, we would go through the people who organised the funeral to identify the descendants and their contact details.

65. **KELLY FARRINGTON:** Yes, we are heavily reliant on families advising us when they have moved or when descendants have passed away. Anybody with any interest, even if they are not a direct descendant, can come to us and we will put their details on the burial register as a point of contact. We would also put up notices around the cemetery and on specific memorials.

66. **THE CHAIR:** The reason I probed this is that, with these powers, particularly the disturbance of remains and so forth, there is sensitivity around ensuring that there is as much contact as is possible. I was surprised to hear that the register is not computerised. In this day and age, I would have thought that would be much more straightforward and would make it easier for you. It is really important that with these new powers there is perhaps a concentration on making sure that, if you are proposing to use these powers, there is the ability to communicate with lineal descendants. I am mindful that 75 years is a long time, but, given the research abilities now with all sorts of ancestry mechanisms, that can easily be done. In a way, the advances in technology must assist you in locating lineal descendants. That could be a trigger point, if not handled sensitively, for concern. I do not have any problem with the actual provisions. It is how they are best used and that you feel confident

you have used every best endeavour, using new technology, to communicate with lineal descendants of those whose graves you may be wishing to move, disturb or whatever.

67. You mentioned Commonwealth war graves burial. Traditionally, they are very well maintained. I noticed there were 555 in different places within the cemetery. So far as you are concerned, are they maintained in such a way that you, as the company now, do not have a worry that they are within the management of the Commonwealth War Graves Commission?

68. **KELLY FARRINGTON:** My Lord, the Commonwealth War Graves Commission has a detailed list of where all the graves are located. Some of them have private memorials on top, so they are not the traditional Commonwealth memorial. The commission maintains all of them as well as the Commonwealth war structure that has the tablets on it in the crematorium gardens. It will come in and maintain all those areas. It has a detailed breakdown of where they are all located.

69. **THE CHAIR:** Thank you very much. You covered quite a lot of the potential queries that I had. Are there any points? Please ask, if there are any others that you are intrigued about.

70. **CHÉ DIAMOND:** Thank you. Yes, I just have a few follow-up points. The first one arises out of something you were saying just a moment ago. We were discussing the register and how up-to-date the details in the register are. I wondered whether you were aware that many of the contact details recorded in that register of burial rights are plainly long out of date. In particular, you mentioned registrations for plots that were purchased long ago but never used. I suspect some of those could be very old indeed. Have you been through the register and noted details that are plainly out of date or cases where the chances of contacting an owner via the address in the register are probably nil?

71. **KELLY FARRINGTON:** We have not gone through and done an exercise of the

register. We do now have a computerised system. Part of the programme is to computerise all those burial records. The computerisation of the burial records could work in tandem with trying to reach out and make contact. I would not be able to specify how many are out of date, but it is apparent when you open the register that the address is simply a house number and a road name that does not exist anymore. We would have to use other avenues rather than writing to them directly.

72. **CHÉ DIAMOND:** That is the point that I was getting at, yes. The next point is that, as I understand it, the promoter considers that for the cemetery to remain financially viable as an ongoing concern it is essential that there is capacity for new burials, not just capacity for the interment of cremated remains. Is that the case? I am assuming that it is the case from what you have been saying. The financial return for the company and in due course the charitable transferee is very important, and that is the return from burials as opposed to return from any other source. Is that the case, and, if so, can you tell us a bit more about the importance of new capacity for burials in financial terms?

73. **CHRIS JOHNS:** My Lord, historically, the cemetery provided all the income for the business. Then the crematorium opened just before the Second World War. Since that time, the cemetery has been a key factor in the revenue that the company has received. We are trying to keep the cemetery open in terms of burials. It will not generate as much income as the crematorium will, but it is still a key source of income going forward and one that we would be anxious not to discontinue.

74. **NICK EVANS:** There is also the point that I made earlier. By continuing to provide places of burial and remaining a working cemetery, the character of the cemetery would be retained as well as the financial viability. There would be new memorials; people would be tending to those new memorials; burials would be taking place. The character would remain that of a working cemetery, rather than being more like a park.

75. **ROSS INGHAM:** If I may just follow up on that and supplement it a little bit, the scale of the financial challenge at Kensal Green Cemetery is enormous. I spend most of my working week supporting other significant heritage sites that are faced with financial problems and challenges, just as Kensal Green is. The common lesson that I take away from most of them, which I try to apply wherever we work, is that the mixed economy model is the best one. That is about having as many strings to your bow as possible or however you want to phrase it. Cremations, burials and the use of some of the other unused ancillary real estate are all part of the business plan for the charity going forward. Trying to hold on to and retain many different forms of revenue generation is in the best interests of this site in the long term.

76. **CHÉ DIAMOND:** Thank you. I have one final point. You may have already covered this. Leaving aside the powers that the Bill would confer in relation to the extinguishment of burial rights and the disturbance of human remains, does the Bill give the company, and in due course the charitable transferee, any other significant new powers in relation to the operation and management of the cemetery?

77. You explained that the powers conferred are broadly the same as those that are conferred by the old Acts, the existing primary legislation, but I just wanted to get you to answer this one directly. There are quite a few amendments in the schedules to the Bill to some very old legislation, some of which is not terribly easy to follow for modern eyes. I would be grateful if you could just confirm my understanding, from what you have said so far, that there are not any other significant new powers being conferred in relation to the operation and management of the cemetery.

78. **NICK EVANS:** They are primarily of the nature of the example that I gave in relation to types of coffin or setting aside areas for different denominations, for example. In 1832, they had an area for the Church of England and an area for “foreigners”. That was it.

We now have a slightly wider description of who might be covered.

79. There is one exception from that, which is the ability to lease or grant easements and ultimately to transfer the cemetery. At present, if land has been taken for the cemetery, the 1832 Act does preclude the disposing of any interest in it. The Bill would enable the GCC and ultimately the transferee to do that, subject to the requirements that anybody who had a transfer of the whole would have to be a charity and would have to have the primary objects of preserving the cemetery. That is the significant change. The rest are of that minor type. There are slight increases, but they are increases of that nature.

80. **THE CHAIR:** Thank you very much for your explanation of the Bill, the amendments and, indeed, the undertaking and for your full and detailed answers to the questions. I am content that the Bill with the amendments proposed by the promoters should proceed.

81. We now move to the formal part of the proceedings. Can I ask Mr Johns to prove the preamble?

82. **CHRIS JOHNS:** I swear by Almighty God that the evidence I shall give before this committee shall be the truth, the whole truth and nothing but the truth.

83. **NICK EVANS:** Are you Christopher Francis Johns?

84. **CHRIS JOHNS:** I am.

85. **NICK EVANS:** Are you the chairman of the directors of the General Cemetery Company?

86. **CHRIS JOHNS:** I am.

87. **NICK EVANS:** Do you hold responsibility for the promotion of the Bill on behalf of the General Cemetery Company?

88. **CHRIS JOHNS:** I do.

89. **NICK EVANS:** Have you read the preamble to the Bill?

90. **CHRIS JOHNS:** I have.

91. **NICK EVANS:** Is it true?

92. **CHRIS JOHNS:** It is.

93. **NICK EVANS:** Thank you, my Lord.

94. **THE CHAIR:** Thank you. That concludes our proceedings. I will report the Bill to the House with amendments.