

General Cemetery Act 2025

CHAPTER ii

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General Cemetery Act 2025

2025 CHAPTER ii

An Act 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.

[27th October 2025]

WHEREAS –

(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:

(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"):

(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:

(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charitable body, that the Company and the new body be provided with functions that are cast in modern terms and that outdated provisions of the 1832 Act, the 1839 Act and the 1937 Act (together "the old Acts") are disapplied:

(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:

(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:

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

PRELIMINARY

1 Citation and commencement

(1) This Act may be cited as the General Cemetery Act 2025.

(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.

(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).

(4) The following provisions come into force on the date on which the first byelaws under section 14 come into force—

(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).

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";

"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";

"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;

"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;

"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;

"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;

"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;

"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;

"the old Acts" means—

(a) the 1832 Act;

(b) the 1839 Act; and

(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;

"register of grants" means the register of grants maintained by the Company under section 45 of the 1832 Act;

"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;

(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;

(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—

(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);

"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

"spouse" includes former spouse.

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.

(2) 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.

(3) 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.

(4) Nothing shall require the alteration of the name of the General Cemetery Company in order for it to be registered under the 2006 Act.

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.

5 Amendment 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.

PART 3

TRANSFER OF CEMETERY TO THE CHARITABLE TRANSFEREE

7 The primary objects of the Charitable Transferee

(1) On its registration as a charity, the objects of the Charitable Transferee must include—

(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

(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".

(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

(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

(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.

(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.

(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).

(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.

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.

(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.

(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.

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.

(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.

12 Further transfers of the cemetery

(1) Subject to the provisions of this section, the Charitable Transferee may transfer its interest in the cemetery, or any part of it, together with any property, rights and liabilities relating to the cemetery, or that part (as the case may be), to another person ("the new transferee").

(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.

(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).

(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).

(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

(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—

(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;

(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, 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

14 Byelaws

(1) The Company may make byelaws in relation to the operation and maintenance of the cemetery.

(2) Without limiting the scope of subsection (1), the Company may make byelaws for the purposes of regulating—

(a) the use of the cemetery by members of the public; and

(b) the conduct of burials in the cemetery.

(3) Byelaws under this section may—

(a) make provision that a person contravening the 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 byelaws made under this section, or under section 56 of the 1832 Act.

(4) In any proceedings for an offence under byelaws made under this section, it is a defence for the person charged to prove—

(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 byelaws

(1) The following provisions of this section apply to byelaws made by the Company under section 14.

(2) The 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.

(3) At least one month before application for confirmation of the 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 byelaws are to apply is located.

(4) For at least one month before application for confirmation is made, a copy of the 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 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.

(6) The Secretary of State may confirm, or refuse to confirm, any byelaw submitted under this section for confirmation, and may fix the date on which any byelaw is to come into operation and, if no date is so fixed, the byelaw shall come into operation at the expiration of one month from the date of its confirmation.

(7) A copy of the byelaws, when confirmed, must be—

(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.

(8) A person appointed for the purpose by the Company must send a copy of any byelaw made by the Company that is confirmed to the proper officer of the local planning authority for the 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 byelaw purporting to be made by the Company upon which is endorsed a certificate purporting to be signed by a person appointed for that purpose by the Company stating—

(a) that the byelaw was made by the Company;

(b) that the copy is a true copy of the byelaw;

(c) that on a specified date the byelaw was confirmed by the Secretary of State;

(d) the date, if any, fixed by the Secretary of State for the coming into operation of the 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.

(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").

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.

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.

(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.

(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.

(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 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—

(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.

(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—

(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).

(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.

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—

(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.

(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.

(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 an extinguished or expired right of burial in that grave space;

(b) the registered owner of a 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.

(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—

(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.

(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.

(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

(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.

(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 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) 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, designate a grave as a protected grave.

(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.

(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

(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).

(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;

(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;

(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

(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;

(iii) the Commonwealth War Graves Commission; and

(iv) the Historic Buildings and Monuments Commission for England.

(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;

(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;

(c) in the case of a notice under section 17, state the effect of subsections (4) to (8) of that section; and

(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.

(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.

(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.

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;

(c) the approximate location of the grave;

(d) where known, the names, in full, of the person whose remains are disturbed;

(e) particulars of the authority for the disturbance; and

(f) 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 (f) 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

AMENDMENT 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

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,".

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 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 public sewers)".

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".

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;

(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."

8 For section 43 substitute—

"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."

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.

(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."

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.

(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."

11 In section 49—

(a) the existing text becomes subsection (1);
(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,";
(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 of which are illegible or which are dilapidated by reason of long neglect"; and
(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".

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.".

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 Falgate, and for the Tower Hamlets (excluding Saint Katharine's and Blackwall Marsh), in the County of Middlesex" substitute "relevant authority within the meaning of section 49(6)(a) of the New Roads and Street Works Act 1991".

SCHEDULE 2

Sections 6 and 23(2)

REPEALS

PART 1

REPEALS RELATING TO THE COMPANY

Chapter	*Title or short title*	*Extent of repeal*
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.
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.

Chapter	*Title or short title*	*Extent of repeal*
1937 (c. xxiii)	General Cemetery Act	Section 2. Sections 4 to 18. Section 20. The Schedule.

PART 2

REPEALS RELATING TO THE CEMETERY

Chapter	*Title or short title*	*Extent of repeal*
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 and 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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Published by TSO (The Stationery Office), a Williams Lea company, and available from:

Online
www.tsoshop.co.uk

Mail, Telephone & E-mail
TSO
PO Box 29, Norwich, NR3 1GN
Telephone orders/General enquiries: 0333 202 5070
E-mail: customer.services@tso.co.uk
Textphone: 0333 202 5077

ISBN 978-0-10-550835-9

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