Great Southern Cemetery and Crematorium Company Act 1971

CHAPTER xxxi

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ELIZABETH II

1971 CHAPTER xxxi

An Act to authorise the Great Southern Cemetery and Crematorium Company, Limited to sell certain lands belonging to the said Company free from restrictions; to authorise the erection of buildings thereon; and for other purposes. [1st July 1971]

WHEREAS—

(1) The Great Southern Cemetery and Crematorium Company, Limited (hereinafter called " the Company ") was incorporated in 1907 under the Companies Acts under the name or style of The Great Southern Cemetery Crematorium and Land Company Limited and purchased lands (hereinafter called " the cemetery lands ") formerly in the urban district of Mitcham in the county of Surrey and now in the London borough of Merton and set aside the same for the purposes of the interment of human remains:

(2) The Company have from time to time obtained a Sentence of Consecration in respect of portions of the cemetery lands and upon part thereof have erected a crematorium:

(3) Portions of the cemetery lands (including those portions thereof described in the Schedule hereto and hereinafter referred to as " the scheduled lands ") have not been used for the burial of human remains and, owing to the increasing use of cremation for the disposal of human remains, there is more land available to the Company than will be required by them for or in connection with the burial of the dead:

(4) That portion of the scheduled lands described in Part I of the Schedule hereto has been consecrated:

(5) It is expedient that the Company should be authorised to dispose of the scheduled lands by way of sale free from restrictions:

(6) It is expedient that the other provisions contained in this Act should be enacted:

(7) 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 Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows, that is to say:—

Short title.

1. This Act may be cited as the Great Southern Cemetery and Crematorium Company Act 1971.

Interpretation.

2.—(1) In this Act, unless the context otherwise requires—

" Company " means the Great Southern Cemetery and Crematorium Company, Limited;

" consecrated land " means that portion of the scheduled lands described in Part I of the Schedule hereto and coloured red on the signed plan;

" scheduled lands " means the lands described in Part I and Part II of the Schedule hereto and coloured red and green respectively on the signed plan;

" signed plan " means the plan signed in triplicate by the Right Honourable the Earl of Listowel, G.C.M.G., the chairman of the committee of the House of Lords to whom the Bill for this Act was referred, one copy of which has been deposited at each of the following offices:—

(*a*) the office of the Clerk of the Parliaments, House of Lords;

(*b*) the Private Bill Office of the House of Commons; and

(*c*) the office of the Company.

(2) If there be any discrepancy between the Schedule to this Act and the signed plan, the signed plan shall prevail.

Power to sell scheduled lands.

3. Notwithstanding anything in any enactment the Company may sell the scheduled lands or any part thereof or any easement, right or privilege of any kind over or in relation thereto.

Discharge of trusts and restrictions affecting scheduled lands and saving for private rights.

4. As from the passing of this Act, the scheduled lands shall be freed and discharged from all trusts, uses, obligations, disabilities and restrictions whatsoever (including, as respects the consecrated land, the effects of consecration) which immediately before the passing thereof attached to the scheduled lands and from all other trusts, uses, obligations, disabilities and restrictions whatsoever which attached to the scheduled lands or any part thereof immediately before the passing of this Act by reason of the scheduled lands or any part thereof being a disused burial ground or otherwise:

Provided that nothing in this Act shall operate to affect prejudicially any private right or easement over the scheduled lands or any part thereof which attached thereto immediately before the passing of this Act.

Power to use scheduled lands for building or other purposes.

5. Notwithstanding anything contained in any enactment, but subject to the provisions of this Act, it shall be lawful at any time after the passing of this Act to use, deal with or dispose of the scheduled lands or any part thereof for building or for any other purpose in like manner as if no part thereof had ever been consecrated or used or set apart for the purpose of the burial of human remains or had ever been or formed part of a cemetery.

Saving for Town and Country Planning Acts. 1962 c. 38.

6. Section 220 of the Town and Country Planning Act 1962 (which for the avoidance of doubt declares that the provisions of that Act and any restrictions or powers thereby imposed or conferred in relation to land apply to land notwithstanding that provision is made by any local Act passed before or during the Session of the 10 & 11 Geo. 6 for authorisation or regulation of development of the land) shall apply to this Act as if it had been passed during that session; and accordingly the Town and Country Planning Acts 1962 to 1968 and orders, regulations, rules, schemes and directions made or given thereunder shall apply to development authorised by this Act.

Costs of Act.

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

SCHEDULE

DESCRIPTION OF LANDS REFERRED TO IN THE FOREGOING ACT

PART I

THE CONSECRATED LAND

A piece of land in the London borough of Merton of rectangular shape extending to 2·825 acres or thereabouts, having a length of 400 feet or thereabouts and a width of 308 feet or thereabouts, the southern corner of which is situated at a point having distances of 100 feet and 100 feet respectively from two points on the north western boundary of Malvern Close having distances of 110 feet or thereabouts and 247 feet or thereabouts respectively measured along the said boundary from the point (hereinafter referred to as " the fixed point ") where the said boundary meets the fence forming the north eastern boundary of the rear access way to number 72 Oxford Close and the eastern corner of which is situated at a point having distances of 100 feet and 100 feet respectively from two points having distances of 548 feet or thereabouts and 607 feet or thereabouts respectively from the fixed point measured along the said boundary and bounded to the south east to the south west to the north west and to the north east by other lands belonging to the Company of which part are described in Part II of this Schedule.

PART II

THE UNCONSECRATED LAND

A piece of land of irregular shape in the London borough of Merton extending to 2·673 acres or thereabouts bounded by a line commencing at the fixed point and proceeding north westward along the boundary of the rear access to Oxford Close for a distance of 101 feet or thereabouts thence proceeding north eastward along an existing fence for a distance of 170 feet or thereabouts until it meets the south west boundary of the lands described in Part I of this Schedule (hereinafter referred to as " the consecrated land ") thence proceeding south eastward for a distance of 40 feet or thereabouts to the southern corner of the consecrated land thence proceeding north eastward and north westward following the boundary of the consecrated land until that boundary meets an existing fence at the northern corner of the consecrated land thence proceeding along the said fence north eastward for a distance of 186 feet or thereabouts until it meets the existing fence forming the boundary between lands owned by the Company and lands owned by the council of the London borough of Merton thence proceeding south eastward along the last-mentioned fence for a distance of 416 feet or thereabouts thence proceeding south westward for a distance of 705 feet or thereabouts along the fence forming the north west boundary of Malvern Close to the fixed point.

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