CHAPTER xviii.

An Act to confer further powers upon London Necropolis Company Limited and for other purposes.

[15th April 1946.]

WHEREAS London Necropolis Company Limited (hereinafter called "the Company") is a company which was originally incorporated by the London Necropolis and National Mausoleum Act 1852 (hereinafter called "the Act of 1852") by the name of "the London Necropolis and National Mausoleum Company" but has since been registered and reincorporated under Part IX of the Companies Act 1929 by the name of "London Necropolis Company Limited" as a company limited by shares: 15 & 16 Vict. c. cxlix. 19 & 20 Geo. 5. c. 23.

And whereas by the Act of 1852 and the Acts incorporated therewith as amended by further Acts passed in the years eighteen hundred and fifty-five eighteen hundred and sixty-four and eighteen hundred and sixty-nine the Company was empowered to acquire land and make establish and maintain a cemetery and other works and premises and to exercise other powers for the purposes of or in connection with the burial of the dead:

And whereas the Company has for many years in pursuance of the powers conferred by the said Acts carried on a cemetery in the urban district of Woking in the county of Surrey and owns a large area of land comprising the site of the said cemetery:

And whereas it is expedient that the Company should be empowered to erect and maintain a crematorium for the cremation of human remains and that other provisions should be made as are in this Act contained:

And whereas the purposes of this Act cannot be effected 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 :—

Short and collective titles.
18 & 19 Vict. c. clxiii.
27 & 28 Vict. c. lvii.
32 Vict. c. iii.

1. This Act may be cited as the London Necropolis Act 1946 and this Act and the London Necropolis and National Mausoleum Act 1852 the London Necropolis and National Mausoleum Amendment Act 1855 the London Necropolis and National Mausoleum Act 1864 and the London Necropolis and National Mausoleum Act 1869 may be cited together as the London Necropolis Acts 1852 to 1946.

Power to establish crematorium.

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

A rectangular piece of land situated at Brookwood in the urban district of Woking in the county of Surrey being part of the enclosures numbered 1260 and 1330 in the parish of Woking on the 1/2500 Ordnance map of Surrey sheet XVI.14 (Edition of 1915) and belonging to the Company containing about eighty thousand square feet and bounded by imaginary straight lines commencing at a point on the north-west boundary of the road from Farnham to Brookwood (traversing the cemetery of the Company) nine hundred and fifty feet measured along the said north-west boundary of the said road in a north-easterly direction from the boundary between the said urban district and the rural district of Guildford thence proceeding at an angle of ninety degrees in a north-westerly direction for a distance of four hundred feet thence proceeding at an angle of ninety degrees in a north-easterly direction for a distance of two hundred feet thence proceeding at an angle of ninety degrees in a south-easterly direction for a distance of four hundred feet to the said north-west boundary of the said road and thence proceeding at an angle of ninety degrees in a south-westerly direction along the said north-west boundary of the said road for a distance of two hundred feet to and terminating at the point of commencement.

(2) The Company may erect and build adjoining or in connection with any crematorium constructed under the powers of this Act a convenient and suitable chapel for the reception of the dead immediately previous to cremation and for the purpose of performing burial services therein together with such lodges porches gardens colonnades columbaria or niches for the disposal of ashes and other buildings matters and things for such purposes as the Company may think proper.

(3) (*a*) No cremation of human remains shall take place in any such crematorium until the plans thereof have been approved by the Minister of Health and the Company shall have certified to the Secretary of State that such crematorium has been completed is built in accordance with such plans and is properly equipped for the purpose of the disposal of human remains by cremation.

(*b*) Every cremation of human remains in any such crematorium shall take place in accordance with the provisions of sections 7 8 and 10 of the Cremation Act 1902 and any regulations made under that Act and those sections shall apply accordingly as though they were included in this Act with the necessary modifications. 2 Edw. 7. c. 8.

(4) The Company may demand and take such reasonable charges or fees for the cremation of any human remains in such crematorium as they think fit and such charges or fees shall be deemed to be part of the funeral expenses of the deceased.

(5) The Company may apply to the purposes of this Act any funds or moneys which they now have or may hereafter have in their hands or any moneys which they have power to raise by shares or by mortgage and which may not be required for the purposes for which the Company were authorised to raise or borrow the same :

Provided that so long as the making of an issue of capital in the United Kingdom without the consent of the Treasury is prohibited by Regulations made under the Emergency Powers (Defence) Act 1939 or under that Act as extended by any subsequent enactment including the Supplies and Services (Transitional Powers) Act 1945 it shall not be lawful for the Company to exercise the said power of raising or borrowing moneys by shares or by mortgage without such consent. 2 & 3 Geo. 6. c. 62. 9 Geo. 6. c. 10.

Saving for Town and Country Planning Acts &c.

3. The provisions of the Town and Country Planning Acts 1932 and 1943 and the Town and Country Planning Act 1944 and of any Order Scheme or Regulation made under those Acts or under any enactment repealed by those Acts so far as those provisions are from time to time in force in respect of the land on which any development within the meaning of those Acts is carried out under this Act shall apply to that development. 22 & 23 Geo. 5. c. 48. 6 & 7 Geo. 6. c. 29. 7 & 8 Geo. 6. c. 47.

As to memorandum and articles of association. 19 & 20 Geo. 5. c. 23.

4. For the avoidance of doubts it is hereby declared that the memorandum and articles of association with which the Company was on the twelfth day of February 1936 registered under Part IX of the Companies Act 1929 are valid and operative.

Copy of Act to be registered.

5.—(1) The Company shall deliver to the Registrar of Companies a printed copy of this Act and he shall retain and register the same and if such copy is not so delivered within three months from the passing of this Act the Company shall incur a penalty not exceeding two pounds for every day after the expiration of those three months during which the default continues and any director or manager of the Company who knowingly and wilfully authorises such default shall incur a like penalty.

(2) Every penalty under this section shall be recoverable summarily.

(3) There shall be paid to the Registrar by the Company on such copy being registered the like fee as is for the time being payable under the Companies Act 1929 on registration of any document other than a memorandum of association or the abstract required to be delivered to the Registrar by a receiver or manager or the statement required to be sent to the Registrar by the liquidator in a winding-up in England.

Costs of Act.

6. 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.

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