ELIZABETH II



1982 CHAPTER vi

An Act to authorise the removal of restrictions attaching to the burial ground near to St. Thomas' Street in the London borough of Southwark; to authorise the use thereof for other purposes; and for purposes connected therewith. [7th April 1982]

WHEREAS—

(1) By an indenture made the 9th day of March 1922 between the mayor and commonalty and citizens of the city of London Governors of the possessions, revenues and goods of the Hospitals of Edward late King of England the Sixth of Christ Bridewell and St. Thomas the Apostle as Governors of St. Thomas's Hospital of the one part and the President and Governors of the Hospital founded at the sole costs and charges of Thomas Guy Esquire (hereinafter referred to as " Guy's Hospital ") of the other part certain land situate on the south side of St. Thomas' Street and east side of Borough High Street and west side of Great Maze Pond in the London borough of Southwark including the piece of land in the rear of numbers 20 and 24 St. Thomas' Street aforesaid formerly used as a burial ground (in this Act referred to as " the burial ground ") was granted to Guy's Hospital:

(2) It is proposed that a part of the said land including the burial ground should be redeveloped with other adjacent land belonging to the Special Trustees of Guy's Hospital in accordance with permission granted under the Town and Country Planning Act 1971:

1971 c. 78.

(3) Burials in the burial ground were discontinued by virtue of an Order in Council of Her late Majesty Queen Victoria dated 8th August 1853 and the burial ground is a disused burial ground within the meaning of the Disused Burial Grounds Act 1884:

1884 c. 72.

(4) It is expedient that the burial ground should be freed from all restrictions which may affect it by reason of its being a disused burial ground and that the same be permitted to be used for other purposes:

(5) It is expedient that the other provisions contained in this Act with respect to the removal of human remains from the burial ground should be enacted:

(6) The lands granted to Guy's Hospital by the said indenture were granted subject to the right of access to the burial ground by means of the way or passage (hereinafter referred to as "the passageway") leading thereto from the said St. Thomas' Street and to the user of the passageway for the purpose of such access of any person or persons (if any) who might have such right of access but no such right has been exercised for a great many years and it is expedient to extinguish such right:

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

(8) The objects of this Act cannot be effected without the authority of Parliament:

(9) A plan showing the passageway and a book of reference relating thereto were duly deposited in the office of the Clerk of the Parliaments and in the Private Bill Office, House of Commons and with the proper officer of the Greater London Council:

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:—

Short title.

1. This Act may be cited as the Saint Thomas' Burial Ground (Southwark) Act 1982.

Interpretation.

2. In this Act—

"the burial ground" means the burial ground referred to in the Preamble to this Act;

" the deposited plan " means the plan referred to in the Preamble to this Act;

" the developer " means Corfield Properties Limited or any other person using, developing or dealing with the burial ground under the provisions of section 4 (Power to use burial ground for other purposes) of this Act;

" the passageway " means the passageway referred to in the Preamble to this Act coloured pink on the deposited plan and thereon numbered 1.

Discharge of trusts and restrictions affecting burial ground.

3. As from the passing of this Act the burial ground shall be freed and discharged from all trusts, uses, obligations, disabilities and restrictions whatsoever (including the effects of consecration) which immediately before the passing thereof attached to the burial ground and from all other trusts, uses, obligations, disabilities and restrictions whatsoever which attach to the burial ground or any part thereof immediately before the passing of this Act by reason of the burial ground or any part thereof being a disused burial ground within the meaning of the Disused Burial Grounds Act 1884 and the provisions of that Act shall cease to apply to the burial ground.

1884 c. 72.

Power to use burial ground for other purposes.

4. 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, develop, deal with or dispose of the burial ground or any part thereof for any purpose in like manner as if no part thereof had ever been used or set apart for the interment of human remains.

Extinguishment of rights of access to burial ground.

5. As from the passing of this Act all rights of access to the burial ground by means of the passageway and to use the passageway for the purpose of such access shall be extinguished.

Removal of human remains.

6.—(1) Before the developer uses the burial ground, or causes the same to be used, for any purpose other than as a burial ground the developer shall remove, or cause to be removed therefrom, the remains of all deceased persons interred therein in accordance with the following provisions of this section.

(2) Before any such remains are removed from the burial ground the developer shall give notice in accordance with subsection (3) below of the intended removal of the remains from the burial ground.

(3) Notice under subsection (2) above shall describe the burial ground and state the general effect of the following provisions of this section, and shall be given by:—

(*a*) publishing it once in each of two successive weeks in a newspaper circulating in the London borough of Southwark; and

(*b*) displaying it in a conspicuous place upon or near to the burial ground.

(4) At any time within 8 weeks after the first publication of a notice under subsection (2) above, any person who is a personal representative or relative of any deceased person whose remains are interred in the burial ground may give notice in writing to the developer of his intention to undertake the removal of such remains, and thereupon if such remains can be identified, he shall be at liberty to cause such remains to be removed and reinterred in any burial ground or cemetery in which burials may legally take place (but, in the case of a churchyard, only with the consent of the incumbent of the benefice concerned), or to be removed to and cremated in any crematorium, and forthwith after such reinterment or cremation shall provide to the developer a certificate for the purpose of enabling compliance with subsection (8) below.

(5) If any person giving such notice as aforesaid fails to satisfy the developer that he is such personal representative or relative as he claims to be or that the remains in question can be identified, the question shall be determined on the application of either party by the county court, and the court shall have power to make an order specifying who shall remove the remains and as to the payment of the costs of the application.

(6) The developer shall defray the expenses of the removal and reinterment or cremation of such remains, not exceeding such sum as would be incurred by the developer in the removal and reinterment or, as the case may be, cremation of those remains or such other sum as may be reasonable in the circumstances.

(7) If—

(*a*) within the said period of 8 weeks no notice under subsection (4) above has been given to the developer in respect of any remains in the burial ground; or

(*b*) such notice is given and no application is made under subsection (5) above within 8 weeks after the giving of the notice but the person who gave the notice fails to remove the remains within a further period of 8 weeks thereafter; or

(*c*) within 8 weeks after any order is made by the county court under subsection (5) above any person, other than the developer, specified in the order fails to remove the remains; or

(*d*) it is determined that the remains to which any such notice relates cannot be identified;

the developer shall be at liberty to remove the remains and cause them either to be reinterred in such burial ground or cemetery in which burials may legally take place as the developer thinks suitable for the purpose (but, in the case of a churchyard, only with the consent of the incumbent of the benefice concerned), or cremated in such crematorium as the developer thinks suitable for the purpose:

Provided that if any personal representative or relative has given notice under subsection (4) above and has satisfied the developer that he is such personal representative or relative as he claims to be and that the remains in question can be identified but does not remove the remains, the developer shall comply with any reasonable request he may make in relation to the removal and reinterment or cremation of the remains.

(8) Upon the reinterment or cremation of any remains under this section, a certificate of reinterment or cremation shall be sent to the Registrar General by the developer giving the date of reinterment or cremation and identifying the place from which the remains were removed and the place in which they were reinterred or cremated.

(9) The removal of the remains of any deceased person under this section shall be carried out in accordance with any directions that may be given by the Secretary of State.

(10) Any jurisdiction or power conferred on the county court by this section may be exercised by the registrar of the court.

(11) Section 25 of the Burial Act 1857 shall not apply to a removal carried out in accordance with this section. 1857 c. 81.

(12) This section shall not apply if the remains of all deceased persons interred in the burial ground have been removed in accordance with the provisions of section 25 of the Burial Act 1857.

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CHAPTER vi

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