



Cemeteries Clauses Act 1847

1847 CHAPTER 65

Burials

And with respect to Burials in the Cemetery, be it enacted as follows :

XXIII A Part of Cemetery to be set apart and consecrated for Burial of Members of Established Church.

The Bishop of the Diocese in which the Cemetery is situated, may, on the Application of the Company, consecrate any Portion of the Cemetery set apart for the Burial of the Dead according to the Rites of the Established Church, if he be satisfied with the Title of the Company to such Portion, and thinks fit to consecrate such Portion; and the Part which is so consecrated shall be used only for Burials according to the Rites of the Established Church.

XXIV Consecrated Ground to be defined.

The Company shall define by suitable Marks crated and unconsecrated Portions of the Cemetery.

XXV A Chapel in connexion with the Established Church to be constructed.

The Company shall build, within the consecrated Part of the Cemetery, and according to a Plan approved of by the Bishop of the Diocese, a Chapel for the Performance of the Burial Service according to the Rites of the Established Church.

XXVI Bodies when interred not to be removed without lawful Authority.

No Body buried in the consecrated Part of the Cemetery shall be removed from its Place of Burial without the like Authority as is by Law required for the Removal of any Body buried in the Churchyard belonging to a Parish Church.

XXVII Chaplain to be appointed with Consent of the Bishop.

The Company shall from Time to Time, with the Approval of the Bishop of the Diocese in which the Cemetery is situated, appoint a Clerk in Holy Orders of the Established Church to officiate as Chaplain in the consecrated Part of the Cemetery; and, such Chaplain shall be licensed by and be subject to the Jurisdiction of the said Bishop, and the said Bishop shall have Power to revoke any such Licence, and to remove such Chaplain, for any Cause which appears to him reasonable.

XXVIII Chaplain to perform Burial Service when required.

The Chaplain shall, when required, unless prevented by Sickness or other reasonable Cause, perform the Burial Service over all Bodies brought to be buried in the consecrated Part of the Cemetery which are entitled to be buried in consecrated Ground according to the Rites and Usage of the Established Church.

XXIX Other Clergymen of the Established Church may be allowed to officiate.

Any Clerk in Holy Orders of the Established Church, not being prohibited by the Bishop, nor under Ecclesiastical Censure, at the Request of the Executor of the Will Of any deceased Person, or any other Person having the Charge of the Burial of the Body of any deceased Person, and with the Consent of the Chaplain for the Time being of the Cemetery, or if there be no Chaplain with the Consent of the Bishop, may perform the said Burial Service over such Body in the consecrated Part of the Cemetery.

XXX Company to pay the Chaplain a Stipend approved by the Bishop.

The Company, out of the Monies to be received by virtue of this and the special Act, shall allow to the Chaplain of the Cemetery for the Time being such a Stipend as is approved of by the Bishop of the Diocese in which the Cemetery is situated, which shall be payable, by equal Moieties, on the Twenty-fifth Day of *March* and the Twenty-ninth Day of *September* in each Year; and if any Chaplain die, resign, or be removed or appointed, in the Interval between the half-yearly Days of Payment, the Company shall pay to him, or his Executors or Administrators, a Part only of the half-yearly Payment of the Stipend proportioned to the Time during which he shall have been the Chaplain since the last preceding Day of Payment.

XXXI Stipend to be recovered by Action at Law.

If the Stipend of the said Chaplain, or any Part thereof, be not paid to the Chaplain entitled to receive the same, or to the Executors or Administrators of a deceased Chaplain, for the Space of Thirty Days next after any of the Days of Payment whereon the same ought to be paid, such Chaplain, or his Executors or Administrators, may recover the same, with full Costs of Suit, against the Company, by Action Of Debt of upon the Case in any Court of competent Jurisdiction.

XXXII Burials in the consecrated Portion to be registered by the Chaplain.

All Burials in the consecrated Part of the Cemetery shall be registered in Register Books to be provided by the Company, and kept for that Purpose by the Chaplain, according to the Laws in force by which Registers are required to be kept by the Rectors, Vicars, or Curates of Parishes or Ecclesiastical Districts in *England* ; and

such Register Books, or Copies or Extracts therefrom, shall be received in all Courts in Evidence of such Burials; and Copies or Transcripts thereof shall be from Time to Time sent to the Registrar of the Ecclesiastical Court of the Bishop of the Diocese in which the Cemetery is situated, to be kept with the Copies of the other Register Books of the Parishes within his Diocese. ;

XXXIII Registers to be subject to the Regulations of 6 & 7 W.4 c.86 as to Searches, &c.

The said Register Books, so far as respects Searches, to be made therein, and Copies and Extracts to be taken therefrom, shall be subject to the same Regulations as are provided by an Act passed in the Seventh Year of the Reign of His late Majesty, intituled *An Act for registering Births, Deaths, and Marriages in England*, so far as such Regulations relate to Register Books of Burials kept by any Rector, Vicar, or Curate.

XXXIV Clerk appointed for the consecrated Part of the Cemetery.

The Company may, with the Consent of the Chaplain for the Time being, from Time to Time appoint a Clerk to assist in performing the Service for Burials in the consecrated Part of the Cemetery, and allow, to such Clerk such Stipend as they think proper out of the Monies to be received by virtue of this and the special Act, and they may remove such Clerk at their Pleasure.

XXXV As to Burial of Persons not Members of the Church of England.

The Company may set apart the whole or a Portion of that Part of the Cemetery which is not set apart for Burials according to the Rites of the Established Church as a Place of Burial for the Bodies of Persons not being Members of the Established Church, and may allow such Bodies to be buried therein, under such Regulations as the Company appoint.

XXXVI Company may allow any Burial Service to be performed in Dissenting Chapels.

The Company may allow, in any Chapel built within the unconsecrated Part of the Cemetery, a Burial Service to be performed according to the Rites of any Church or Congregation other than the Established Church, by any Minister of Such other Church or Congregation duly authorized by Law to officiate in such Church or Congregation, or recognized as such by the religious Community or Society to which he belongs.

XXXVII Power to appoint Gravediggers, &c.

The Company may appoint Gravediggers and other Servants necessary for the Care and Use of the Cemetery, and may pay them such Wages and Allowances as they think fit out of the Monies to be received by virtue of this and the special Act, and may remove them or any of them at their Pleasure.

XXXVIII Regulations for ensuring Decency and Solemnity.

The Company shall make Regulations for ensuring that all Burials within the Cemetery are conducted in a decent and solemn Manner.

Status: This is the original version (as it was originally enacted).

XXXIX No Burials under or close to Chapels.

No Body shall be buried in any Vault under any Chapel of the Cemetery, or within Fifteen Feet of the outer Wall of any such Chapel.