



Burial Act 1852

1852 CHAPTER 85 15 and 16 Vict

An Act to amend the Laws concerning the Burial of the Dead in the Metropolis. [1st July 1852]

Modifications etc. (not altering text)

- C1 Short title given by [Short Titles Act 1896 \(c. 14\)](#)
- C2 Preamble not relevant to unrepealed provisions of the Act

1—44.^{F1}

Textual Amendments

- F1 [Ss. 1-44](#) repealed by [Local Government Act 1972 \(c. 70\)](#), [Sch. 30](#)

45 Brompton Cemetery vested in Commissioners of Works.

.....^{F2} the rights and obligations of the General Board of Health with reference to the purchase of the said cemetery shall upon the passing of this Act become transferred to the Commissioners of Works; and in case the said cemetery shall be conveyed to them by virtue of the transfer hereby made of such rights and liabilities, then immediately upon such cemetery being so conveyed, the said cemetery shall, without any further conveyance, become vested in the said Commissioners of Works in the like corporate capacity in which any lands, tenements, or hereditaments are vested in them under the Act of this last session of Parliament, chapter forty-two, but subject to the rights to graves, vaults, and monuments subject to which such cemetery may have been conveyed to such commissioners or to the General Board of Health, as the case may be, and subject to the powers and for the purposes herein-after mentioned.

Changes to legislation: There are currently no known outstanding effects for the Burial Act 1852. (See end of Document for details)

Textual Amendments

F2 Words repealed by [Statute Law Revision Act 1892 \(c. 19\)](#)

Modifications etc. (not altering text)

- C3** The “said cemetery” means Brompton Cemetery
- C4** Functions of Commissioner of Works now exercisable by Secretary of State: S.R. & O. 1945/991 (Rev. XV, p. 232, 1945 I, p. 1414), 1962/1549, and 1970/1681

46 **F3**

Textual Amendments

F3 [S. 46](#) repealed by [Local Government Act 1972 \(c. 70\)](#), [Sch. 30](#)

47 **F4**

Textual Amendments

F4 [S. 47](#) repealed by [Local Government Act 1972 \(c. 70\)](#), [Sch. 30](#)

48 **Brompton Cemetery may be sold by direction of the Treasury, and in the meantime used for interments.**

The said Commissioners of Works shall and may, in case the said Brompton Cemetery be vested in them by or under this Act, sell and dispose of the same or any part thereof, subject to the rights affecting the same, as the Treasury may direct; and in the meantime, until such sale, the Secretary of State may and shall permit the same to be used for the purposes of interment, upon such terms and conditions as he shall think fit; and the residue of the monies arising from the sale and disposal of the said cemetery, or any part thereof, and in respect of the interments therein, after defraying the expences incident to such sale and to the care and management of the cemetery, until the whole thereof shall be sold and disposed of, shall be paid to the Metropolitan Interments Repayments Account mentioned in the said Act of the last session of Parliament, to be carried to the said Consolidated Fund.

Modifications etc. (not altering text)

- C5** The “said Act” means the [Metropolitan Interment Act 1851 \(c. 89\)](#)
- C6** Functions of Commissioner of Works now exercisable by Secretary of State: S.R. & O. 1945/991, (Rev. XV, p. 232; 1945 I, p. 1414), 1962/1549 and 1970/1681
- C7** Functions of Treasury under this Act now exercisable by Secretary of State: [Local Authorities \(Treasury Powers\) Act 1906 \(c. 33\)](#), [Ministry of Health Act 1919 \(c. 21\)](#), [s. 3\(1\)\(a\)](#), S.I. 1951/142, 1900 (1951 I, pp. 1348, 1347) 1965/319 and 1970/1681

Changes to legislation: There are currently no known outstanding effects for the Burial Act 1852. (See end of Document for details)

49 F5

Textual Amendments

F5 S. 49 repealed by [Local Government Act 1972 \(c. 70\)](#), [Sch. 30](#)

50 F6

Textual Amendments

F6 S. 50 repealed by [Local Government Act 1972 \(c. 70\)](#), [Sch. 30](#)

51 Power for incumbent or churchwardens to convey chapel.

Where any burial ground in which interment is discontinued under this Act belongs to any parish other than the parish within which the same is locally situate, it shall be lawful for the incumbent and churchwardens of the parish to which such burial ground belongs, with the consent of the vestry or persons possessing the powers of vestry for ecclesiastical purposes of or in such parish, and of the bishop of the diocese, to convey any chapel belonging to such parish, and situate in or attached to such burial ground, and the site thereof, to any persons named by the incumbent and churchwardens of the parish within which the same is situate, with the consent of the vestry or persons possessing the powers of vestry of or in such parish for ecclesiastical purposes, and of the said bishop, and upon such trusts for such last-mentioned parish, and subject to such conditions to be performed on behalf of such parish, and with such provision for the appointment of new trustees, as to the said bishop may seem proper; and such conveyance shall be effectual to pass all the estate and interest vested in any persons in trust or in behalf of the parish to which such chapel and the site thereof belong; and after the execution of such conveyance all obligation on such last-mentioned parish, or any trustees or others on behalf thereof, to repair such chapel, or to pay any stipend to the minister thereof, or otherwise in relation to or in connexion with such chapel, shall cease.

Modifications etc. (not altering text)

C8 S. 51 applied by [Local Government Act 1972 \(c. 70\)](#), [Sch. 26 para. 15](#)

C9 Functions of Churchwardens and vestry now exercisable by parochial church councils: [Parochial Church Councils \(Powers\) Measure 1921 \(No. 1\)](#), [s. 4\(1\)\(i\)](#) and [Parochial Church Councils \(Powers\) Measure 1956 \(No. 3\)](#), [s. 4\(1\)\(ii\)\(c\)](#)

52 Interpretation of terms.

In this Act . . . F7

..... F8

“Incumbent” and “minister” shall, in respect of any fee made payable to an incumbent or minister under this Act, mean the clergyman who would have been entitled to the fee had the body been buried in the churchyard or burial ground of the parish from which it came, or in the burial ground of the ecclesiastical district

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in case such district has a burial ground at the passing of this Act; and if any difference shall arise between two or more persons severally claiming to be the incumbent or minister under this provision, such difference shall be determined by the bishop of the diocese.

“Churchwardens” shall mean also chapelwardens, or other persons discharging the duties of churchwardens:

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Textual Amendments

F7 Words repealed by [Local Government Act 1972 \(c. 70\)](#), **Sch. 30**

F8 Definitions repealed by [Local Government Act 1972 \(c. 70\)](#), **Sch. 30**

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Modifications etc. (not altering text)

C10 Act amended as to references to parish by [London Government Act 1963 \(c. 33\)](#), **s. 44(4)**

C11 Functions of churchwardens now exercisable by Parochial Church Councils: [Parochial Church Councils \(Powers\) Measure 1956 \(No. 3\)](#), **s. 4(1)(ii)(c)**

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Textual Amendments

F9 [S. 53](#) repealed by [Local Government Act 1972 \(c. 70\)](#), **Sch. 30**

54^{F10}

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Textual Amendments

F10 [S. 54](#) repealed by [Local Government Act 1972 \(c. 70\)](#), **Sch. 30**

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F11F11 SCHEDULES (A), (B)

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Textual Amendments

F11 Schs. (A), (B) repealed by [Local Government Act 1972 \(c. 70\)](#), **Sch. 30**

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F11

Changes to legislation:

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