

Greater London Council (General Powers) Act 1976

CHAPTER xxvi

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ELIZABETH II



1976 CHAPTER xxvi

An Act to confer further powers upon the Greater London Council and other authorities; and for other purposes.
[6th August 1976]

WHEREAS—

(1) It is expedient that further and better provision should be made for the improvement and development of local government services in Greater London and for the safety of persons residing therein and that the powers of the Greater London Council (hereinafter called “the Council”) and of the London borough councils and the Common Council of the City of London should be extended and amended as provided in this Act:

(2) It is expedient to authorise certain burial authorities in Greater London to extinguish certain rights of burial and to remove tombstones and other memorials connected therewith in order that better use may be made of the lands available for burials in certain cemeteries:

(3) It is expedient that the council of the London borough of Camden (hereinafter called “the Camden Council”) should be empowered to acquire the lands and buildings comprising the Highgate Cemetery in the said borough and for that purpose a plan showing the lands which may be acquired compulsorily by the Camden Council for the purposes, and under the powers, of this Act, together with a book of reference to the said

plan containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands and describing the same, were duly deposited in the office of the Clerk of the Parliaments, in the Private Bill Office of the House of Commons, with the director-general and clerk to the Council and with the town clerk and chief executive of the London borough of Camden, which plan and book of reference are in this Act referred to respectively as the deposited plan and the deposited book of reference:

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

(5) The purposes of this Act cannot be effected without the authority of Parliament:

(6) In relation to the promotion of the Bill for this Act the Council and the Camden Council have each complied with the requirements of section 239 of the Local Government Act 1972:

1972 c. 70.

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:—

PART I

PRELIMINARY

Short title. 1. This Act may be cited as the Greater London Council (General Powers) Act 1976.

Interpretation. 2. In this Act, except as otherwise expressly provided or unless the context otherwise requires—

1968 c. xxxix. “the Act of 1968” means the Greater London Council (General Powers) Act 1968;

1971 c. 78. “the Act of 1971” means the Town and Country Planning Act 1971;

1972 c. 70. “the Act of 1972” means the Local Government Act 1972;
“borough” means London borough and “borough council” means London borough council;

“the Camden Council” means the council of the borough of Camden;

“the Commission” means the Commonwealth War Graves Commission;

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—cont.

“ Commonwealth war burial ” means an interment of any officer or man of the naval, military or air forces of His Majesty fallen in the war of 1914 to 1921 or in the war of 1939 to 1947;

“ the Council ” means the Greater London Council;

“ enactment ” means any enactment, whether public general or local, and includes any order, byelaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment;

“ grave ” includes any grave space and any crypt, vault, catacomb, arch, brick grave, mausoleum, columbarium or other place of interment;

“ tombstone ” includes a monument or other memorial of a deceased person and any kerb or railings surrounding a grave;

and any reference to an enactment shall be construed as a reference to that enactment as amended, extended or applied by or under any subsequent enactment including this Act.

PART II

PROVISIONS RELATING TO THE COUNCIL

3. In section 25 (Enforcement of byelaws as to explosives in tunnels) of the London County Council (General Powers) Act 1900 for the words “ twenty pounds ” there shall be substituted the words “ four hundred pounds ”.

Increased penalties for breach of certain tunnel byelaws.

1900 c. cclxviii.

PART III

PROVISIONS RELATING TO THE COUNCIL AND TO BOROUGH COUNCILS

4.—(1) Subject to the provisions of this section, for the purpose of placing traffic signs on or near any road in Greater London in pursuance of section 55 (which confers powers and duties on highway authorities as to placing of traffic signs); section 56 (which confers powers and duties on the Council in respect of traffic signs) or section 56A (which confers powers on certain traffic authorities in respect of traffic signs) of the Act of 1967, the Council or a borough council, as the case may be, shall have power to affix any such sign to any external wall of any building having a frontage on to, or constructed over, any such road:

Affixing of traffic signs to walls.

Provided that the Council shall not exercise their powers under this subsection, for the purpose of placing traffic signs in pursuance of the said section 56 on or near any road in the city of London, in any case where powers to place those traffic signs are already available to them by virtue of section 8 (Affixing of traffic signs in streets) of the City of London (Various Powers) Act 1968.

1968 c. xxxvii.

PART III
—cont.

(2) The Council or a borough council shall not affix a traffic sign to the external wall of a building under this section without the consent of the owner of the building:

Provided that, where in the opinion of the Council or the borough council, as the case may be, any consent required under this subsection is unreasonably withheld, they may apply to the appropriate authority, who may either allow the affixing of the traffic sign subject to such conditions, if any, as to rent or otherwise as the appropriate authority thinks fit, or disallow the affixing of the traffic sign.

(3) Where any traffic sign has been affixed to a building under this section, the owner of the building may give to the Council or the borough council, as the case may be, not less than fourteen days' notice requiring them at their own expense temporarily to remove the sign where necessary during any reconstruction or repair of the building.

(4) Where any traffic sign is affixed to a building under this section, the Council or the borough council, as the case may be, shall have the right as against any person having an interest in the building to alter or remove it, or to repair or maintain it.

(5) If any person suffers damage by or in consequence of the affixing of a traffic sign or by or in consequence of the exercise of the rights conferred by subsection (4) of this section, he shall be entitled to be paid by the Council or the borough council, as the case may be, such compensation as may be agreed with the Council or the borough council or, in default of agreement, determined by arbitration.

(6) Nothing in this section shall derogate from the powers of the Council or a borough council to enter on land for the placing of traffic signs in pursuance of section 63 of the Act of 1967 or to carry out any work for the improvement of a highway in pursuance of section 64 of the Highways Act 1959.

1959 c. 25.

(7) In exercising their powers under this section, the Council or a borough council shall be bound by the duties imposed on them by subsection (1) of section 84 (which imposes general duties with respect to road traffic) of the Act of 1967 as if this section were included in that Act.

(8) In this section—

“the Act of 1967” means the Road Traffic Regulation Act 1967;

1967 c. 76.

“appropriate authority” means a magistrates' court, except that in relation to buildings of the descriptions in the Schedule to this Act it has the meaning there given;

“traffic sign” includes any apparatus required for the illumination of such sign which forms part of the sign;

and "building" and "owner" have the meanings assigned to them in section 45 (which confers powers in connection with the attachment of street lamps to buildings) of the Public Health Act 1961.

PART III
—cont.

1961 c. 64.

PART IV

PROVISIONS RELATING TO BOROUGH COUNCILS

Night cafés

5.—(1) On and after the date of commencement, the Act of 1968 shall apply and have effect in a borough subject to the following amendments:—

Extension
of Act of
1968 as to
night cafés.

(a) in paragraph (a) of the definition of "night café" in subsection (1) of section 47 (Interpretation of Part VIII) thereof, the word "or" shall be deleted;

(b) after paragraph (a) of the said definition, there shall be inserted the following paragraph:—

"(aa) any premises in a borough where meals or refreshments are supplied, between the hours of midnight and five o'clock in the morning, for consumption exclusively off those premises or"; and

(c) for sub-paragraph (i) (A) of the said definition there shall be substituted the following sub-paragraph:—

"(A) a justices' licence within the meaning of section 1 of the Act of 1964".

(2) In this section and in sections 7 (The date of commencement of sections 5 and 6) and 8 (Modifications of Act of 1968) of this Act "borough council" includes the Common Council of the City of London and "borough" shall be construed accordingly.

6.—(1) It shall be lawful for any person who—

(a) immediately before the date of commencement was using any premises as a night café; and

(b) had before that date duly applied for the registration of those premises under the provisions of Part VIII (Night cafés) of the Act of 1968;

Saving for
certain
existing night
cafés.

to continue to use those premises as a night café until he is informed of the decision with regard to his application.

(2) In the foregoing subsection "night café" means any premises which are a night café as defined in subsection (1) of section 47 (Interpretation of Part VIII) of the Act of 1968, as amended by subsection (1) of section 5 (Extension of Act of 1968 as to night cafés) of this Act, but which but for the provisions of the said section 5 would not be a night café as defined in the said section 47.

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—cont.

The date of
commence-
ment of
sections 5
and 6.

7.—(1) For the purposes of subsection (1) of section 5 (Extension of Act of 1968 as to night cafés) and of section 6 (Saving for certain existing night cafés) of this Act, “the date of commencement” means such date as may be fixed in relation to a borough by resolution of the borough council, subject to and in accordance with the provisions of this section.

(2) The borough council shall cause to be published in a local newspaper circulating in the borough notice—

- (a) of the passing of any such resolution and of the date fixed thereby;
- (b) of the general effect of the said subsection (1) of section 5 and section 6 of this Act;

and the date so fixed shall not be earlier than the expiration of one month from the date of publication of the said notice.

(3) Either—

- (a) a copy of any such newspaper containing any such notice; or
- (b) a photostatic or other reproduction certified by an officer authorised by the borough council for the purposes of this subsection to be a true reproduction of a page or part of a page of any such newspaper bearing the date of its publication and containing any such notice;

shall be evidence of the publication of the notice and of the date of the publication.

Modifications
of Act of
1968.

8. The Act of 1968 shall apply and have effect in a borough subject to the following amendments:—

- (a) in subsection (2) of section 49 (Registration of premises) thereof, after the words “satisfied that” where they first occur there shall be inserted the words “it is reasonable so to do, having regard to all the circumstances on the grounds that”;
- (b) in paragraph (a) of subsection (3) of the said section 49, after the word “impose” there shall be inserted the word “such” and after the word “conditions” there shall be inserted the words “as may be reasonable, having regard to all the circumstances,”;
- (c) in subsection (7) of the said section 49, for the words “one pound” there shall be substituted the words “such amount as may be determined from time to time by resolution of the borough council as being appropriate and as may be sufficient in the aggregate to cover in whole or in part—

(i) the reasonable cost of carrying out inspections of premises for the purpose of determining whether registrations under this section should be granted or renewed; and

(ii) any reasonable administrative or other cost in connection with the consideration by the borough council of applications under this section for the registration or renewal of registration of premises.”; and

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—cont.

(d) in subsection (9) of the said section 49, the word “ or ”, in the second place where it occurs, shall be deleted and after the word “ premises ” in the second place where it occurs there shall be inserted the words “ or imposing any condition on the registration or renewal of registration of any premises ”.

Miscellaneous

9.—(1) Where in respect of any grave which contains sufficient space for not less than one further interment and which is situated in any cemetery a right of interment has not been exercised for seventy-five years or more from the date of the latest interment in the grave or, if there has been no interment in the grave, from the date of the grant of the right of interment in the grave, a burial authority may, in accordance with the provisions of this section, extinguish the right of interment in that grave and use the grave for other interments:

Power to
extinguish
rights of
interment in
cemeteries.

Provided that no right of interment granted after the passing of this Act for any period longer than seventy-five years shall be extinguished under this section.

(2) The power of a burial authority under subsection (1) of this section to extinguish a right of interment in any grave in which there has been an interment shall include power to remove any tombstone in or on the grave.

(3) Where a right of interment has been granted in a grave in any cemetery before the passing of this Act, any grant of a right to erect or place a tombstone in or on that grave made by a burial authority after the passing of this Act for a period longer than seventy-five years shall be expressed as being subject to the power of the burial authority to remove the tombstone in accordance with the provisions of this section.

(4) Before extinguishing a right of interment in, or removing any tombstone from, any cemetery under the powers of this section a burial authority shall—

(a) publish a notice of their intention to do so once in each of two successive weeks in a newspaper circulating in Greater London with an interval between the dates of publication of not less than six clear days;

(b) display a like notice in a conspicuous position at every entrance to the cemetery; and

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—cont.

- (c) serve a notice thereof upon the registered owner of the right of interment and on the registered owner of any tombstone affected at their registered addresses.

(5) Each of the notices referred to in the last foregoing subsection shall—

- (a) contain full particulars of the burial authority's proposals including a specification of the registered number or other description of all graves in respect of which it is proposed that rights of interment should be extinguished and stating whether it is proposed that any tombstones should be removed;
- (b) specify the date on which it is intended that the rights should be extinguished and any tombstones removed, which date shall not be earlier than six months after the date of the later of the two publications, or the date on which notice is first displayed, or the date on which notice is served, whichever is the later; and
- (c) state the effect of subsections (6), (7) and (8) of this section.

(6) (a) If notice of objection to the extinguishment of a right of interment in any grave is given to the burial authority before the date specified under paragraph (b) of subsection (5) of this section by the registered owner of the right of interment or by any person who is able to satisfy the burial authority that he is the owner of such right, and that objection is not withdrawn, the right of interment to which the objection relates shall not be extinguished under this section, and if notice of any other objection to the extinguishment of any rights of interment or to the removal of any tombstone, and of the ground of any such objection, is given to the burial authority before the date so specified and is not withdrawn, any rights or tombstone to which such last-mentioned objection relates shall not be extinguished or removed without the consent of the Secretary of State for the Environment:

Provided that, if there has been no interment in the grave, a notice under this subsection may be given only by the registered owner of a right of interment in that grave or by any person who is able to satisfy the burial authority that he is the owner of such right.

(b) If any person giving notice under paragraph (a) of this subsection as the owner of a right of interment fails to satisfy the burial authority that he is such owner as he claims to be, the question shall be determined on the application of either party by the registrar who shall have power to make an order confirming whether or not the person who has given the notice is the owner of such a right and as to the payment of the costs of the application.

(7) Any tombstone removed by the burial authority under this section shall remain the property of the registered owner thereof but, if such owner does not claim and remove it within a period of three months after the date specified under paragraph (b) of subsection (5) of this section, the burial authority may put the tombstone to such use as they deem appropriate or they may destroy it.

(8) As compensation for any right of interment extinguished under this section the burial authority shall, on a claim being made within six months from the extinguishment of that right by the registered owner of the right of interment or by any other person who has satisfied the burial authority that he is the owner of such right, or who has been determined by the registrar to be such owner, pay to him such sum representing the value of that right as may be agreed between the burial authority and the registered owner or such other person or, in default of agreement, determined by arbitration.

(9) The burial authority shall cause a record to be made of each tombstone removed under this section containing—

(a) a copy of any legible inscription on it; and

(b) if it is intended to preserve the tombstone, a statement showing where it has been taken to;

and shall deposit a copy of the record with the Registrar General.

(10) Where a tombstone is removed by the burial authority under this section, they shall at their own expense erect or fix in an appropriate position on the grave in substitution therefor a memorial stone or tablet.

(11) In this section—

“burial authority” means—

(a) a borough council;

(b) a joint committee appointed under section 102 of the Act of 1972 and authorised to exercise powers under section 214 of and Schedule 26 to the Act of 1972, or under any other enactment relating to the provision and maintenance of cemeteries, being a joint committee any member of which is appointed by a borough council; or

(c) a burial or cemetery board established under any enactment and authorised to exercise such powers as aforesaid, being a board of which at least one of the constituent authorities is a borough council;

“cemetery” means a cemetery provided and maintained by a burial authority but does not include the cemeteries

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—*cont.*

in the borough of Southwark known as the Nunhead (All Saints) Cemetery, the Camberwell Old Cemetery and the Camberwell New Cemetery;

“registered owner” in relation to—

(a) any right of interment, means the person at the time in question registered as the owner in the register of grants of rights of interment maintained by the burial authority under the Cemeteries Clauses Act 1847 or otherwise; and

1847 c. 65.

(b) any tombstone, means the person at the time in question named in the said register as the person to whom the right to erect or place that tombstone has been granted, or, if no such person is named, the registered owner of the right of interment in the grave in or on which the tombstone is erected or placed;

“registered address” means any address of the registered owner contained in the said register;

“the registrar” means the registrar of the consistory court of the diocese in which the cemetery in question is situated;

and any reference to a right of interment includes a reference to a right of burial.

(12) The powers conferred by this section shall not, except with the agreement of the Commission, be exercised by the burial authority in respect of any grave in which there is a Commonwealth war burial.

Modification
of section 33
of Greater
London
Council
(General
Powers) Act
1973.

1973 c. xxx.

10. For the definition of “designated expenditure” in subsection (3) of section 33 (Maintenance costs of children in care at certain homes) of the Greater London Council (General Powers) Act 1973 there shall be substituted the following definition:—

“ ‘designated expenditure’ means such expenditure in respect of such periods after 31st March, 1973, as may be prescribed in respect of the cost of providing or improving designated homes and of maintaining at such homes children in the care of borough councils, but subject to such, if any, exceptions as may be prescribed.”.

London
borough to be
local authority
for purposes
of Caravan
Sites and
Control of
Development
Act 1960.
1960 c. 62.

11. The definition of “local authority” in section 29 (1) of the Caravan Sites and Control of Development Act 1960 shall have effect and be deemed to have had effect as from 1 April 1974 as if after the words “of a” there were inserted the words “London borough or a”.

PART V

PROVISIONS RELATING TO CAMDEN COUNCIL

12. In this Part of this Act—

“the Act of 1836” means the Act 6 & 7 Will. 4 chapter cxxxvi; Interpretation
of sections 12
to 29 of Act.

“the Act of 1965” means the Compulsory Purchase Act 1965; 1965 c. 56.

“appointed date” in relation to the western cemetery, or any part or parts thereof, means the date specified in relation to such cemetery, or such part or parts thereof, by a resolution of the Camden Council passed in accordance with and subject to the provisions of subsection (2) of section 16 (As to use of cemetery) of this Act;

“the bishop” means the Bishop of London and during a vacancy in the see of London includes the guardian of the spiritualities thereof;

“the cemetery” means the Highgate Cemetery in the borough of Camden comprising the lands, buildings and tunnel delineated on the deposited plan and described in the deposited book of reference;

“the company” means United Cemeteries Limited or other the successor in title as owner of the cemetery to the London Cemetery Company incorporated by the Act of 1836;

“the date of possession” means the date on which the Camden Council either enter on and take possession of the cemetery by virtue of a notice served under subsection (1) of section 11 (which relates to powers of entry) of the Act of 1965, or acquire the cemetery, whichever is the earlier;

“nature reserve” has the same meaning as in section 15 of the National Parks and Access to the Countryside Act 1949; 1949 c. 97.

“registered owner” in relation to—

(a) any right of interment in the cemetery, means the person who, at the time in question, is named in the entry or memorial entered in the book kept in pursuance of section XI of the Act of 1836 as the person to whom the grant or assignment of that right of interment has been made; and

(b) any tombstone in the cemetery, means the person who, at the time in question, is named in the

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—cont.

entry or memorial entered in the said book as the person to whom the grant or assignment of the right to erect or place that tombstone has been made; and

“registered address” means any address of the registered owner contained in the said book;

“the registrar” means the registrar of the consistory court of the diocese of London;

“the Secretary of State” means the Secretary of State for the Home Department;

“the western cemetery” means that part of the cemetery situated on the western side of Swain’s Lane in the borough of Camden and comprising the lands numbered 1 on the deposited plan;

and any reference to a right of interment includes a reference to a right of burial.

Application of
Part I of
Act of 1965.

13.—(1) Part I of the Act of 1965 (except section 4, subsection (5) of section 24 and section 27 thereof, and paragraph 3 (3) of Schedule 3 thereto), in so far as it is applicable for the purposes of sections 14 (Correction of errors in deposited plan and deposited book of reference) and 15 (Acquisition of cemetery) of this Act and is not inconsistent with the provisions thereof, shall apply to the compulsory acquisition of land under the said sections of this Act as it applies to a compulsory purchase to which the provisions of Schedule 1 to the Acquisition of Land (Authorisation Procedure) Act 1946 apply and as if those sections were a compulsory purchase order under the said Act of 1946.

1946 c. 49.

1845 c. 18.

(2) The Lands Clauses Consolidation Act 1845 shall not apply to the acquisition of land under the said sections 14 and 15 of this Act.

Correction of
errors in
deposited
plan and
deposited
book of
reference.

14.—(1) If the deposited plan or the deposited book of reference are inaccurate in their description of any land, or in their statement or description of the ownership or occupation of any land, the Camden Council, after giving not less than ten days’ notice to the owner, lessee and occupier of the land in question, may apply to two justices or a metropolitan stipendiary magistrate having jurisdiction in the place where the land is situated for the correction thereof.

(2) If on any such application it appears to the justices or the magistrate as the case may be that the misstatement or wrong description arose from mistake or inadvertence they or he shall certify the fact accordingly and shall in their or his certificate state in what respect any matter is misstated or wrongly described.

(3) The certificate shall be deposited in the office of the Clerk of the Parliaments, and a copy thereof in the Private Bill Office of the House of Commons and with the director-general and clerk to the Council and with the town clerk and chief executive of the borough of Camden and thereupon the deposited plan and the deposited book of reference shall be deemed to be corrected according to the certificate, and it shall be lawful for the Camden Council to take the land in accordance with the certificate.

(4) A person with whom a copy of a certificate is deposited under this section shall keep it with the other documents to which it relates.

15.—(1) The Camden Council may enter upon, take and use Acquisition of the cemetery for or in connection with the purposes of section 16 cemetery.
(As to use of cemetery) of this Act.

(2) (a) The powers of the Camden Council for the compulsory purchase of the cemetery under this section shall not be exercised after 31st December, 1979.

(b) The power to acquire compulsorily any land shall for the purposes of this subsection be deemed to have been exercised if, on or before 31st December, 1979, notice to treat has been served in respect of that land.

16.—(1) Subject to the provisions of this Part of this Act, as As to use of from the date of possession, the Camden Council shall hold and cemetery.
may improve, lay out and maintain—

(a) the cemetery (except the mortuary chapel and the mortuary church situated at the principal entrance to the western cemetery) for the purposes of section 214 (which relates to cemeteries and crematoria) of the Act of 1972, as if it had been acquired for those purposes;

(b) the said mortuary chapel and mortuary church for the purposes specified in sub-paragraph (iii) of paragraph (a) of subsection (2) of this section or for the purposes of the Public Libraries and Museums Act 1964, as if the 1964 c. 75.
said mortuary chapel and mortuary church had been acquired for those purposes;

as the Camden Council may from time to time think fit.

(2) (a) Subject to section 17 (Consultation) of this Act, the Camden Council may by resolution passed in accordance with paragraph (b) of this subsection determine that the whole or any part of the western cemetery (except the said mortuary chapel and mortuary church) shall be held by them, and may be improved, laid out and maintained by them, for any one or more of the following purposes as the Camden Council may from time to time think fit, namely:—

(i) as an open space;

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(ii) as a nature reserve; or

(iii) for the purposes of centres for the use of clubs, societies or organisations having social or educational objects;

as if the whole of the western cemetery (except as aforesaid) or any part thereof to which the resolution of the Camden Council applies, as the case may be, had never been used or set apart for the interment of human remains.

(b) A resolution passed under paragraph (a) of this subsection shall specify the date, not being earlier than the date of possession, on which, subject to paragraph (c) of this subsection, it is to come into force, and if it relates to a part or parts of the western cemetery, shall also specify the part or parts of the western cemetery to which it relates, and different resolutions may be passed in relation to different parts of the western cemetery.

(c) The Camden Council shall cause to be published in a newspaper circulating in Greater London notice—

(i) of a resolution passed pursuant to paragraph (a) of this subsection and of the date fixed thereby; and

(ii) of the general effect of the resolution;

and the date so fixed shall not be earlier than the expiration of one month from the date of publication of the said notice.

(3) Notwithstanding the provisions of any other enactment the Camden Council may from time to time resolve that any part of the western cemetery held for any of the purposes of subparagraph (i), (ii) or (iii) of paragraph (a) of subsection (2) of this section shall be held for such other of those purposes as they think fit.

Consultation.

17. Before—

(a) passing a resolution under subsection (2) of section 16 (As to use of cemetery) of this Act;

(b) exercising a power referred to in paragraph (a), (b), (c) or (d) of subsection (1) of section 18 (Powers as to tombstones) or in paragraph (a) or (b) of subsection (1) of section 19 (As to closing, etc., of western cemetery) of this Act; or

(c) removing or causing to be removed, by virtue of section 22 (Removal of human remains) of this Act, the remains of any deceased person interred in the western cemetery;

the Camden Council shall consult with one or more organisations which have among their principal objects the representing to the Camden Council of national and local opinion on, and the giving of advice to the Camden Council in respect of, the use and

management of the cemetery and the conservation of buildings and tombstones therein, unless it appears to the Camden Council that there is no such organisation that can appropriately be consulted.

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18.—(1) Subject to section 17 (Consultation) of this Act, the powers of the Camden Council to improve, lay out and maintain the whole or any part of the western cemetery in pursuance of the provisions of sub-paragraph (i), (ii) or (iii) of paragraph (a) of subsection (2) of the last foregoing section shall, without prejudice to the provisions of any other enactment, include power—

- (a) to level or raise the surface of any part of the western cemetery held, improved, laid out or maintained in pursuance of those provisions notwithstanding that there may be graves or tombstones therein, and to lower any tombstone to the level of the ground or cover the same with soil;
- (b) to remove and, if they think fit, use, sell or otherwise dispose of any tombstone in such part;
- (c) to alter the position of any tombstone in such part;
- (d) to put and keep in order any tombstone in such part:

Provided that any tombstone removed by the Camden Council in pursuance of paragraph (b) of this subsection, and not re-erected, shall be broken and defaced before being used, sold or otherwise disposed of.

(2) (a) Before exercising a power referred to in paragraph (a), (b) or (c) of the foregoing subsection which does not necessitate the disturbance of the remains of any deceased person the Camden Council shall—

- (i) publish a notice of their intention to do so once in each of two successive weeks in a newspaper circulating in Greater London with an interval between the dates of publication of not less than six days;
- (ii) display a like notice outside the principal entrance to the western cemetery; and
- (iii) where a right of interment in any part of the western cemetery concerned has been exercised since 1st January, 1946, serve a copy of a like notice on the owner of such right, and on the registered owner of each tombstone affected, or, in so far as the names and addresses of such owners cannot be ascertained on reasonable enquiry, on a relative or the personal representatives of each person whose remains were interred in the graves affected after 1st January, 1946, whose names and addresses are ascertainable on such enquiry.

PART V
—cont.

(b) Each of the notices referred to in the last foregoing paragraph shall—

- (i) contain brief particulars of the Camden Council's proposals and specify an address at which full particulars can be obtained unless the brief particulars are of proposals incapable of further statement; and
- (ii) specify a date as being that on which it is intended that the Camden Council will begin to carry out the proposals, which shall be a date not less than three months after the date of the earlier of the two publications or after the date on which the notice in the cemetery is first displayed, whichever is the later; and
- (iii) state the effect of the next following subsection.

(3) (a) At any time before the date specified in a notice under the last foregoing subsection in relation to any tombstone relating to the remains of any deceased person, any person who is a personal representative or relative of the deceased person may give notice in writing to the Camden Council of his intention to undertake the removal of that tombstone and thereupon, subject to the provisions of paragraphs (b) and (c) of this subsection, he shall be at liberty to remove that tombstone from the western cemetery and the reasonable expenses of such removal up to but not exceeding the sum of thirty pounds shall be paid by the Camden Council.

(b) If any person giving such notice as aforesaid shall fail to satisfy the Camden Council that he is such personal representative or relative as he claims to be, the question shall be determined on the application of either party by the registrar who shall have power to make an order specifying who shall remove the tombstone and as to the payment of the costs of the application.

(c) If such person shall not have removed such tombstone from the western cemetery within two months after the service by him of a notice under paragraph (a) of this subsection, or, if application shall have been made to the registrar under paragraph (b) of this subsection, within two months after the making of an order under that paragraph, the Camden Council may exercise the powers referred to in the notice published by them under the last foregoing subsection.

(4) Where a tombstone is covered up or removed by the Camden Council in pursuance of a power referred to in paragraph (a) or (b) of subsection (1) of this section, the Camden Council may, if they think fit, at their own expense erect or fix in an appropriate position on the grave in substitution therefor a memorial stone or tablet.

(5) The Camden Council shall cause a record to be made of every tombstone covered up or removed by them in pursuance of a power referred to in paragraph (a) or (b) of the said subsection (1) containing—

- (i) a copy of any legible inscription on it; and
- (ii) a statement of the place, if any, to which it has been removed;

and shall deposit a copy of the record with the Registrar General.

19.—(1) Notwithstanding anything to the contrary contained in any enactment, but subject to the provisions of this Act, the Camden Council may as from an appointed date—

As to closing,
etc., of
western
cemetery.

- (a) for such period or periods and subject to such conditions as they may deem necessary or expedient, enclose or otherwise prohibit or restrict entry by any person on to any part of the western cemetery which is to be laid out as an open space until it has been so laid out and is in a condition suitable for use by the public for that purpose; and
- (b) demolish, reconstruct, extend, seal up or fill in any building or structure (not being a tombstone) or any crypt, vault, catacomb, arch, brick grave, columbarium or mausoleum on or in any part of the western cemetery to which the resolution of the Camden Council applies.

(2) (a) Before exercising the power referred to in paragraph (b) of the foregoing subsection which does not necessitate the disturbance of the remains of any deceased person the Camden Council shall—

- (i) publish a notice of their intention to do so once in each of two successive weeks in a newspaper circulating in Greater London with an interval between the dates of publication of not less than six days;
- (ii) display a like notice outside the principal entrance to the western cemetery; and
- (iii) where a right of interment in any crypt, vault, catacomb, arch, brick grave, columbarium or mausoleum affected has been exercised since 1st January, 1946, serve a copy of a like notice on the owner of such right of interment, or, in so far as the names and addresses of such owners cannot be ascertained on reasonable enquiry, on a relative or the personal representatives of each person whose remains were interred in the said crypt, vault, catacomb, arch, brick grave, columbarium or mausoleum after 1st January, 1946, whose names and addresses are ascertainable on such enquiry.

PART V
—cont.

(b) Each of the notices referred to in the last foregoing paragraph shall—

- (i) contain brief particulars of the Camden Council's proposals and specify an address at which full particulars can be obtained unless the brief particulars are of proposals incapable of further statement; and
- (ii) specify a date as being that on which it is intended that the Camden Council will begin to carry out the proposals, which shall be a date not less than three months after the date of the earlier of the two publications or after the date on which the notice in the cemetery is first displayed, whichever is the later.

Discontinu-
ance of
interments,
etc.

20.—(1) As from an appointed date, interments in the western cemetery or in the part or parts thereof to which the resolution of the Camden Council applies shall be wholly discontinued.

(2) Any person who at the date of the passing of this Act possesses a right of interment in a grave in the western cemetery and whose right is extinguished by virtue of the provisions of the foregoing subsection, shall (in pursuance of an application in writing made by him to the Camden Council for the purpose) be entitled to be paid compensation by the Camden Council for the extinction of that right, and such compensation shall, in default of agreement, be determined by arbitration:

Provided that no compensation shall be payable to any person in pursuance of the provisions of this subsection—

- (i) in respect of a right of interment purchased or acquired, otherwise than from the Camden Council, on or after 27th November, 1975; or
- (ii) before the appointed date.

Lands freed
from
consequences
of consecra-
tion, etc.

21. As from the date of possession, the mortuary chapel and the mortuary church situated at the principal entrance to the western cemetery, and, as from an appointed date, the western cemetery or the part or parts thereof to which the resolution of the Camden Council applies shall be freed from—

- (i) the legal effects of consecration;
- (ii) all trusts, uses, obligations, disabilities and restrictions whatsoever which immediately before that date attached thereto under ecclesiastical law or by reason of the western cemetery being a disused burial ground, or otherwise; and
- (iii) (subject to the provisions of this Part of this Act) all rights and interests of any person who is an heir, personal representative or relative of any deceased person whose remains are interred in the western cemetery:

Provided that nothing in this Part of this Act shall operate to affect prejudicially any private right or easement (not being a right in respect of a grave) over the western cemetery or any part thereof which attached thereto immediately before the passing of this Act.

PART V
—cont.

22.—(1) Subject to section 17 (Consultation) of this Act, before the Camden Council in pursuance of the provisions of this Part of this Act, or of their powers under any other enactment, carry out any work on any part of the western cemetery which necessitates the disturbance of the remains of any deceased person interred in such part, the Camden Council shall, in accordance with the provisions of this section, remove or cause to be removed therefrom the remains of all deceased persons interred in such part.

(2) (a) Before proceeding to remove any such remains, the Camden Council shall give notice of their intention so to do by publishing a notice in manner provided in paragraph (b) of this subsection in at least two newspapers circulating in Greater London and shall display a like notice outside the principal entrance to the western cemetery, and shall serve a copy of such notice on a relative or the personal representatives of any deceased person whose remains were interred after 1st January, 1946, in such part of the western cemetery in so far as the names and addresses of such relative or personal representatives can be ascertained on reasonable enquiry.

(b) The notice referred to in paragraph (a) of this subsection shall have embodied in it the substance of subsections (3) to (6) and (8) of this section and shall be published in each of four successive weeks by publication in at least one newspaper in the first and third of those weeks and in at least one other newspaper in the second and fourth of those weeks.

(3) At any time within three months after the first publication of such notice, any person who is a personal representative or relative of any deceased person whose remains are interred in such part of the western cemetery may give notice in writing to the Camden Council of his intention to undertake the removal of such remains and, subject in the case of a Commonwealth war burial to the provisions of subsection (4) of section 28 (For protection of Commonwealth War Graves Commission) of this Act, thereupon he shall be at liberty without any faculty or licence for the purpose, but subject as hereinafter mentioned and to any regulations made by the bishop, to cause such remains to be removed to and reinterred in any burial ground or cemetery in which interments may legally take place, but in the case of reinterment in a churchyard only with the consent of the incumbent of the benefice concerned, or to be removed to and cremated in any crematorium.

PART V
—cont.

(4) If any person giving such notice as aforesaid fails to satisfy the Camden Council that he is such personal representative or relative as he claims to be, the question shall be determined on the application of either party by the registrar who shall have power to make an order specifying who shall remove and reinter or cremate the remains and as to the payment of the costs of the application.

(5) The reasonable expenses of a removal and reinterment or cremation (not exceeding in respect of remains removed from any one grave the sum of one hundred and eighty pounds) shall be defrayed by the Camden Council, such sum to be apportioned, if necessary, equally according to the number of persons buried in the grave.

(6) If—

- (a) within the aforesaid period of three months no such notice as aforesaid shall have been given to the Camden Council in respect of the remains in any grave; or
- (b) within two months after such notice has been given no application has been made under subsection (4) of this section and the person giving the notice fails to remove the remains; or
- (c) within two months after any order is made by the registrar under the said subsection, the person, not being the Camden Council, specified in the order fails to remove the remains;

the Camden Council may, without any faculty or licence for the purpose, cause the remains of the deceased person to be removed and reinterred in such burial ground or cemetery in which interments may legally take place as, subject to the consent of the bishop, the Camden Council think suitable for the purpose, or cremated in such crematorium as the Camden Council think suitable for the purpose, but in the case of reinterment in a churchyard only with the consent of the incumbent of the benefice concerned.

(7) 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 Camden Council 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.

(8) (a) Subject to the provisions of this subsection, any tombstone relating to the remains of any deceased person removed and reinterred under this section shall at the expense of the Camden Council be removed and re-erected at the place of

reinterment of such remains or at such other place as the bishop may direct on the application either of such personal representative or relative as aforesaid or of the Camden Council.

PART V
—cont.

(b) Subject to the provisions of this subsection any tombstone relating to the remains of any deceased person removed and cremated under this section shall at the request of such personal representative or relative as aforesaid or, if no such request is made, may at the discretion, and in either case at the expense, of the Camden Council be removed and re-erected at such place as the bishop may direct on the application either of such personal representative or relative or of the Camden Council.

(c) At any time within the period of three months specified in subsection (3) of this section any such personal representative or relative as aforesaid may give notice in writing to the Camden Council of his intention to undertake the removal of any tombstone relating to the remains of any deceased person removed and cremated under this section and, thereupon, he shall be at liberty to remove that tombstone from the western cemetery and the reasonable expenses of such removal up to but not exceeding the sum of thirty pounds shall be paid by the Camden Council.

(d) Where any tombstone relating to the remains of any deceased person removed and reinterred under this section has been removed and disposed of in accordance with the provisions of section 18 (Powers as to tombstones) of this Act, the Camden Council shall, at the request of such personal representative or relative as aforesaid and at their own expense, erect or fix at the place of reinterment of those remains such tombstone or memorial tablet as they consider suitable.

(e) Any tombstone not re-erected in accordance with the provisions of paragraph (b) of this subsection or not removed under paragraph (c) of this subsection within two months after the service of the notice specified in that paragraph shall be offered by the Camden Council to the bishop for re-erection or disposal as he thinks fit, and—

(i) if accepted by him, shall be so re-erected or disposed of at the expense of the Camden Council;

(ii) if not accepted by him, shall be broken and defaced before being disposed of in such manner as the Camden Council think fit.

(f) Where the Camden Council consider that by reason of its ruinous condition any tombstone removed under this subsection is unsuitable for re-erection, it may be disposed of in such manner as the Camden Council think fit:

Provided that, where a personal representative or relative has made an application or a request, as the case may be, as to the

PART V
—cont.

place of re-erection of a tombstone in accordance with paragraph (a) or (b) of this subsection, the Camden Council shall not dispose of the tombstone in pursuance of the powers in this paragraph without first obtaining the consent in writing of that personal representative or relative.

(g) The amount required to be paid by the Camden Council in respect of the cost of removal and re-erection or disposal of any tombstone under this subsection by or at the request of the said personal representative or relative or the bishop shall not exceed the sum of forty-five pounds.

(h) The Camden Council shall cause a record to be made of each tombstone removed under this subsection containing—

(i) a copy of any legible inscription thereon; and

(ii) a statement of the place, if any, where it has been re-erected;

and shall deposit a copy of the record with the Registrar General.

(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.

Inaccessible
graves.

23.—(1) (a) Before the Camden Council, in pursuance of their powers in paragraph (a) of subsection (2) of section 16 (As to use of cemetery) of this Act, carry out any work on any part of the western cemetery which does not necessitate the disturbance of the remains of any deceased person but which will render inaccessible the grave of any deceased person interred in such part, they shall, in accordance with the provisions of this section, give notice that the grave will become inaccessible by publishing a notice in manner provided in paragraph (b) of this subsection in at least two newspapers circulating in Greater London and shall display a like notice outside the principal entrance to the western cemetery, and shall serve a copy of such notice on a relative or the personal representatives of any deceased person whose remains were interred in such grave after 1st January, 1946, in so far as the names and addresses of such relative or personal representatives can be ascertained on reasonable inquiry.

(b) The notice referred to in paragraph (a) of this subsection shall have embodied in it the substance of subsections (2) to (5) of this section and shall be published in each of four successive weeks by publication in at least one newspaper in the first and third of those weeks and in at least one other newspaper in the second and fourth of those weeks and a copy of any such notice which relates to a grave containing a Commonwealth war burial shall also be served on the Commission not later than the date of the first publication of such notice.

(2) At any time within three months after the first publication of such notice, any person who is a personal representative or relative of any deceased person whose remains are interred in such grave or, in the case of a grave containing only one or more Commonwealth war burials, the Commission may give notice in writing to the Camden Council of his or its intention to undertake the removal of such remains and thereupon he or it shall be at liberty without any faculty or licence for the purpose, but subject as hereinafter mentioned and to any regulations made by the bishop, to cause such remains to be removed to and reinterred in any burial ground or cemetery in which interments may legally take place, but in the case of reinterment in a churchyard only with the consent of the incumbent of the benefice concerned, or to be removed to and cremated in any crematorium.

(3) If any person giving such notice as aforesaid fails to satisfy the Camden Council that he is such personal representative or relative as he claims to be, the question shall be determined on the application of either party by the registrar who shall have power to make an order empowering that person to remove and reinter or cremate the remains and as to the payment of the costs of the application.

(4) The reasonable expenses of a removal and reinterment or cremation (not exceeding in respect of remains removed from any one grave the sum of one hundred and eighty pounds) shall be defrayed by the Camden Council, such sum to be apportioned, if necessary, equally according to the number of remains in the grave.

(5) If—

- (a) within the aforesaid period of three months no such notice as aforesaid shall have been given to the Camden Council in respect of the remains in any grave; or
- (b) within two months after such notice has been given no application has been made under subsection (3) of this section and the person giving the notice fails to remove the remains; or
- (c) within two months after any order is made by the registrar under the said subsection, the person empowered by the order to remove the remains fails to do so;

the Camden Council may proceed with any work in pursuance of their powers in paragraph (a) of subsection (2) of the said section 16 that will render such grave inaccessible.

(6) 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.

(7) The Camden Council shall cause a record to be made of every grave rendered inaccessible by them in the exercise of

PART V
—cont.

their powers in paragraph (a) of subsection (2) of the said section 16 containing a copy of any legible inscription on any tombstone on such grave.

Right of
reinterment.

24.—(1) (a) Any person who—

- (i) possesses a right of interment in a grave in a part of the western cemetery specified in a resolution passed by the Camden Council under subsection (2) of section 16 (As to use of cemetery) of this Act which contains sufficient space for not less than one further interment; and
- (ii) is a relative of a deceased person whose remains were interred in that grave on a date not earlier than 1st January, 1966;

shall, from the appointed date and subject to the following provisions of this section, be entitled to undertake the removal of the remains in the grave and of any tombstone relating thereto, and to cause such remains to be reinterred elsewhere or to be cremated in any crematorium.

(b) The Camden Council may, if they think fit, by notice in writing grant to any person who possesses such a right as is referred to in sub-paragraph (i) of the foregoing paragraph, but who does not satisfy the conditions prescribed by sub-paragraph (ii) thereof, the same rights as are conferred by that paragraph.

(2) (a) As soon as reasonably practicable after the appointed date the Camden Council shall give notice of the provisions of the foregoing subsection by publishing a notice once in each of two successive weeks in a newspaper circulating in Greater London with an interval between the dates of publication of not less than six days, shall display a like notice outside the principal entrance to the western cemetery and shall send a copy of such notice to each owner of a right of interment in the graves referred to in sub-paragraph (a) (i) of subsection (1) of this section in which human remains were interred on or after 1st January, 1966, so far as the names and addresses of such owners are ascertainable on reasonable enquiry.

(b) Each of the notices referred to in the last foregoing paragraph shall—

- (i) contain brief particulars of the provisions of the said subsection and specify an address at which full particulars can be obtained; and
- (ii) specify a date being that before which all applications, accompanied by such particulars as may be specified in the notice, must be made to the Camden Council of intention to exercise the rights conferred by paragraph (a) of the foregoing subsection or, if the applicant does not fulfil the conditions prescribed by sub-paragraph (ii)

of that paragraph, of his wish for his case to be considered under paragraph (b) of that subsection, which shall be a date not less than three months after the date of the earlier of the two publications or after the date on which the notice in the western cemetery is first displayed, whichever is the later; and

- (iii) state the effect of the next following subsection and subsections (7) and (8) of this section.

(3) (a) At any time before the date specified in the notice under the last foregoing subsection any person who is entitled to exercise the rights conferred by paragraph (a) of subsection (1) of this section or, if he is not so entitled, wishes to have his case considered under paragraph (b) of that subsection, may give notice in writing to the Camden Council of his intention or wish to undertake the removal of the remains interred in the grave in respect of which the application is made and thereupon, subject to the provisions of paragraphs (b) and (c) of this subsection, and, in a case falling within paragraph (b) of subsection (1) of this section, to the rights having been granted by the Camden Council, he shall be at liberty without any faculty or licence for the purpose, but subject as hereinafter mentioned and to any regulations made by the bishop, to cause—

- (i) such remains to be removed to and reinterred in any burial ground or cemetery in which interments may legally take place, but in the case of reinterment in a churchyard only with the consent of the incumbent of the benefice concerned, or to be removed to and cremated in any crematorium; and
- (ii) any tombstone relating thereto to be removed and re-erected at the place of reinterment or to be otherwise disposed of.

(b) If any person giving such notice as aforesaid shall fail to satisfy the Camden Council that he fulfils the conditions prescribed by paragraph (a) of subsection (1) of this section the question shall be determined on the application of either party by the registrar who shall have power to make any necessary order including provision as to the payment of the costs of the application.

(c) If such person shall not have removed the remains from the western cemetery within three months after the service by him of a notice under paragraph (a) of this subsection, or, in a case falling within paragraph (b) of subsection (1) of this section, within three months of the date of the notice by which the rights to remove the remains are granted to him by the Camden Council, or if application shall have been made to the registrar under paragraph (b) of this subsection, within three months after the making of an order under that paragraph, the rights conferred

PART V
—cont.

on or granted to him under subsection (1) of this section (as the case may be) shall cease to be exercisable.

(d) If, at the time when notice is given to the Camden Council in accordance with paragraph (a) of this subsection, any tombstone referred to in sub-paragraph (ii) of the said paragraph has been removed and disposed of in accordance with the provisions of section 18 (Powers as to tombstones) of this Act, the Camden Council shall, at the request of the person giving such notice, at their own expense erect or fix at the place of reinterment of the remains such tombstone or memorial tablet as they consider suitable.

(4) 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 Camden Council 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.

(5) (a) Any tombstone relating to the remains of any deceased person removed under this section being a tombstone which is not removed in accordance with the provisions of sub-paragraph (ii) of paragraph (a) of subsection (3) of this section shall be offered by the Camden Council to the bishop for re-erection or disposal as he thinks fit, and—

(i) if accepted by him, shall be so re-erected or disposed of and the reasonable expenses of such re-erection or disposal up to but not exceeding the sum of forty-five pounds shall be paid by the Camden Council;

(ii) if not accepted by him, shall be broken and defaced before being disposed of in such manner as the Camden Council think fit.

(b) Where the Camden Council consider that by reason of its ruinous condition any tombstone to which this subsection applies is unsuitable for re-erection, it may be disposed of in such manner as they think fit.

(6) The Camden Council shall cause a record to be made of each tombstone removed under this section containing—

(i) a copy of any legible inscription thereon; and

(ii) a statement of the place, if any, where it has been re-erected;

and shall deposit a copy of the record with the Registrar General.

(7) 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.

(8) The reasonable expenses incurred by any person on whom rights are conferred or to whom rights are granted in pursuance of subsection (1) of this section in removing and reintering the

remains in a grave, or in cremating those remains, and in removing and re-erecting at the place of reinterment (or otherwise disposing of) any tombstone relating thereto shall be paid by the Camden Council but the amount for which they shall be liable under this subsection in respect of each grave shall not exceed two hundred and twenty-five pounds and they shall be entitled to set off the amount so paid against the amount of any compensation to which such person is entitled under subsection (2) of section 20 (Discontinuance of interments, etc.) of this Act.

25. As from the date of possession any exclusive right of interment in the cemetery and any other right and privilege therein sold and disposed of by the company or its predecessors in title under the powers of section X (Company may sell exclusive Right of Burial in Vaults in Perpetuity or for a limited Period) of the Act of 1836 and in force immediately before the date of possession shall continue in force and be deemed (except for the purposes of the proviso to subsection (2) of section 20 (Discontinuance of interments, etc.) of this Act) to have been sold and disposed of by the Camden Council.

Exclusive
rights of
interment.

26.—(1) Not later than three months from the date of possession the company or any other person having possession of the registers of graves and of interments within the cemetery or of any other records, plans, books and documents relating to the cemetery shall transfer them to the Camden Council.

Preservation
of records.

(2) If the company or any other persons fail without reasonable excuse to comply with the provisions of the foregoing subsection in any respect they shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifty pounds and to a fine not exceeding five pounds for each day on which the offence is continued after conviction therefor.

(3) Where an offence under the foregoing provisions of this section committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence, and be liable to be proceeded against and punished accordingly.

(4) The Camden Council shall carefully preserve all registers, records, plans, books and documents relating to the cemetery which are transferred to them under subsection (1) of this section and shall from time to time on payment of their reasonable charges give such extracts therefrom as may be required, and the certificate of any officer of the Camden Council designated by the Camden Council for the purposes of this section that such extracts are correct shall have the same validity as the certificate of the registrar of births, deaths and marriages.

PART V
—cont.For protection
of Thames
Water
Authority.

27.—(1) Notwithstanding anything in this Part of this Act or shown on the deposited plan, the Camden Council shall not acquire under the powers of this Act any sewer, water main or other apparatus of the Thames Water Authority.

(2) Nothing in this Part of this Act shall extend to prejudice, diminish, alter or take away any of the rights, powers or authorities vested or to be vested in the Thames Water Authority in relation to any sewer, water main or other apparatus but all such rights, powers and authorities shall be as valid and effectual as if this Act had not been passed.

For
protection of
Common-
wealth War
Graves
Commission.

28.—(1) In this section—

“ the deed of grant ” means the deed dated 14th September, 1926 issued by the London Cemetery Company Limited whereby the Commission (under its title at that time of the Imperial War Graves Commission) was granted the exclusive right of burial in, and the right to erect and maintain a memorial on, an area of land in the cemetery; and

“ the war memorial ” means the memorial erected and maintained by the Commission in the cemetery for the permanent commemoration of certain Commonwealth war burials together with the area of land referred to in the deed of grant and forming the site of the war memorial.

(2) In the event of the acquisition by the Camden Council of the cemetery pursuant to the provisions of section 15 (Acquisition of cemetery) of this Act the Camden Council shall, subject to the provisions of paragraph (a) of subsection (3) of this section, observe and be bound by the provisions of the deed of grant as if the Camden Council had been named therein as the grantor thereof and the Commission shall at all times, until the Commission shall in writing otherwise agree, be entitled to the benefit of and title to the exclusive rights granted to the Commission in respect of the war memorial as set forth under or by virtue of the provisions of the deed of grant.

(3) In the event of the acquisition by the Camden Council of the cemetery pursuant to the provisions of the said section 15, then—

(a) notwithstanding the provisions of the deed of grant the Camden Council shall maintain the war memorial:

Provided that—

(i) such maintenance shall be carried out to the reasonable satisfaction of the Commission;

(ii) the Commission may at any time give not less than one month's notice in writing to the Camden

Council that it desires to be responsible for such maintenance and thereupon, on the expiry of such notice, the obligation of the Camden Council for such maintenance shall cease and determine but without prejudice to any other obligation of the Camden Council under or by virtue of the provisions of this section or of the deed of grant;

(iii) if the Commission so desires it shall be entitled at its own expense to alter or, with the agreement of the Camden Council, to extend the war memorial or re-site the same within the cemetery at any time in accordance with plans submitted to and approved by the Camden Council (such agreement or approval not to be unreasonably withheld), and the provisions of this subsection and of the deed of grant (unless otherwise agreed between the Commission and the Camden Council) shall apply to the war memorial as so altered, extended or re-sited;

(b) the Camden Council shall ensure—

(i) that lands adjacent to the war memorial (so long as the same is retained) with any extension or alteration as aforesaid are suitably maintained in consultation with the Commission;

(ii) that notwithstanding the provisions of paragraph (a) of subsection (1) of section 19 (As to closing, etc., of western cemetery) of this Act, suitable means of access to any grave containing a Commonwealth war burial are provided and maintained to the reasonable satisfaction of the Commission;

(c) (i) without prejudice to any of the other provisions of this section the Camden Council shall not exercise the powers referred to in subsection (1) of section 18 (Powers as to tombstones) of this Act in relation to a grave containing a Commonwealth war burial or to a tombstone provided or maintained by the Commission except after consultation with the Commission and in accordance with such arrangements as shall be agreed between the Camden Council and the Commission;

(ii) the provisions of subsection (3) of the said section 18 shall not in any event apply in relation to a tombstone provided or maintained by the Commission;

(d) notwithstanding any of the provisions of this Part of this Act the Camden Council shall when so requested by the Commission and in accordance with such arrangements and in such manner (including the disposal of the tombstone) as shall be agreed in writing by the Commission remove any tombstone placed or erected

PART V
—cont.

by the Commission in the cemetery over any grave in which there is a Commonwealth war burial;

(e) upon the removal in pursuance of any of the provisions of this Part of this Act of any tombstone in the cemetery from any grave in which there is a Commonwealth war burial no other tombstone shall be placed or erected over such grave;

(f) any Commonwealth war burial in any grave in the cemetery shall at all times be protected from interference or disturbance except—

(i) in the circumstances referred to in, and in accordance with the provisions of, subsection (4) of this section or the provisions of subsection (2) of section 23 (Inaccessible graves) or section 24 (Right of reinterment) of this Act; or

(ii) where authorised by a licence granted by the Secretary of State after prior notification to the Commission of the application for the licence;

and no structure or erection shall at any time be placed or erected over any Commonwealth war burial in the cemetery unless the Commission shall otherwise consent in the case of any structure or erection the placing or erection of which shall not interfere with or disturb any Commonwealth war burial and such consent may be given subject to such conditions as the Commission may think necessary:

Provided that—

(i) the remains of a Commonwealth war burial shall not be removed and reinterred under subsection (2) of the said section 23 or under paragraph (a) of subsection (3) of the said section 24 except after prior written notification to the Commission giving such details including information as to the place of reinterment as the Commission may reasonably require and the Camden Council shall not permit the exhumation of a Commonwealth war burial under the said subsection unless they shall first have been satisfied that the proposal to exhume has been duly notified to the Commission; and

(ii) paragraph (a) of the said subsection (3) shall not apply to any tombstone placed or erected over a grave by the Commission.

(4) In the event of the exercise by the Camden Council of the powers of section 22 (Removal of human remains) of this Act then—

(a) the Camden Council shall not later than the date upon which any such notice as is referred to in paragraph (a)

of subsection (2) of the said section 22 is first published in a newspaper circulating in Greater London serve a copy of such notice upon the Commission; and

PART V
—cont.

- (b) if it is agreed between the Camden Council and the Commission that, in relation to any work proposed to be carried out by the Camden Council on any part of the cemetery, there is no practicable alternative other than for a Commonwealth war burial to be removed, then subject to the Camden Council complying with the provisions of the said section 22 the removal of the remains shall be carried out in accordance with such arrangements and to such place of reinterment as shall be agreed between the Commission and the Camden Council and any personal representative or relative who has given a notice to the Camden Council in accordance with the provisions of subsection (3) of that section:

Provided that in default of agreement between the parties for any of the purposes of this paragraph any difference shall be referred to the Secretary of State for determination and effect shall be given thereto accordingly.

29. As from the date of possession the Act of 1836 shall cease to have effect so far as it relates to the cemetery.

Act of 1836
to cease to
have effect
at cemetery.

PART VI

SUPPLEMENTAL

30.—(1) Subject to the provisions of any enactment requiring or enabling expenses in connection with any function of the Council to be chargeable otherwise than as general expenses chargeable on the whole of Greater London, all expenses of the Council in the execution of this Act shall be defrayed as the Council may decide as—

- (a) general expenses chargeable on the whole of Greater London; or
- (b) special expenses chargeable only on such part of Greater London as the Council may determine.

(2) So much of the costs, charges and expenses preliminary to and of and incidental to the preparing, applying for and obtaining of this Act as may be incurred in respect of or in connection with the provisions contained in Part V (Provisions relating to Camden Council) of this Act shall be paid by the Camden Council.

Section 4.

SCHEDULE

ATTACHMENT OF TRAFFIC SIGNS TO CERTAIN BUILDINGS

As regards buildings of the descriptions in the first column of the following Table the appropriate authority for the purposes of section 4 of this Act shall be the person specified in the second column of that Table (and not a magistrates' court).

TABLE

1931 c. 16.	A building in respect of which the Secretary of State for the Environment has served a notice under section 6 of the Ancient Monuments Act 1931 upon the owner and occupier.	The Secretary of State for the Environment.
	A building owned by any person authorised by or in pursuance of any enactment to carry on any railway, road transport, canal, dock, harbour or inland navigation undertaking.	The Secretary of State for the Environment.
	A building owned by electricity or gas undertakers or the National Coal Board.	The Secretary of State for Industry.
1973 c. 37.	A building owned by a water authority or by a statutory water company as defined in section 38 of the Water Act 1973.	The Secretary of State for the Environment.
1949 c. 67.	A building forming part of an aerodrome licensed under the Civil Aviation Act 1949, or any enactment repealed by that Act.	The Secretary of State for Trade.
	A building owned by the Post Office.	The Secretary of State for Industry.
	A building owned by the Council, a borough council or the Common Council.	The Secretary of State for the Environment.