



# Parish Councils and Burial Authorities (Miscellaneous Provisions) Act 1970

## 1970 CHAPTER 29

### 1 Maintenance of private graves.

- (1) A burial authority or a local authority may agree with any person in consideration of the payment of a sum by him, to maintain—
  - (a) a grave, vault, tombstone, or other memorial in a burial ground or crematorium provided or maintained by the authority;
  - (b) a monument or other memorial to any person situated in any place within the area of the authority to which the authority have a right of access;

so, however, that no agreement or, as the case may be, none of the agreements made under this subsection by any authority with respect to a particular grave, vault, tombstone, monument or other memorial may impose on the authority an obligation with respect to maintenance for a period exceeding 99 years from the date of that agreement.

- (2) On the transfer of a burial ground or crematorium or of responsibility for the maintenance of a burial ground to a burial authority or local authority, any person who was responsible before the transfer for the maintenance of the burial ground or crematorium may transfer to the authority any assets held by him for the general purpose of the maintenance of the burial ground or crematorium, other than any such assets the devolution of which is affected by any condition of a trust, being a condition relating to the maintenance of a particular grave, vault, tombstone or other memorial.
- (3) If assets are transferred to an authority by any person under subsection (2) of this section, any agreement binding on that person and made with a third party for the maintenance of any grave, vault, tombstone or other memorial in the burial ground or crematorium to which those assets relate shall also be binding on the authority.
- (4) In this section, the expression " local authority " shall be construed as if contained in the Local Government Act 1933, but it shall also be deemed, for the purposes of this section, to include the Council of the Isles of Scilly.