



Local Government Act 1972

1972 CHAPTER 70

PART IX

FUNCTIONS

Miscellaneous functions

214 Cemeteries and crematoria.

- (1) The following authorities, that is to say, the councils of [^{F1}Welsh counties, county boroughs] districts, London boroughs, parishes and communities, the Common Council and the parish meetings of parishes having no parish council, whether separate or common, shall be burial authorities for the purposes of, and have the functions given to them by, the following provisions of this section and Schedule 26 to this Act; and—
 - (a) the powers conferred by the Burial Acts 1852 to 1906 to provide burial grounds shall cease to be exercisable; and
 - (b) any existing burial board, joint burial board or joint committee with the powers of such a board established under the ^{M1}Burial Act 1852 or section 53(2) of the ^{M2}Local Government Act 1894 or by any local statutory provision shall cease to exist.
- (2) Burial authorities may provide and maintain cemeteries whether in or outside their area.
- (3) The Secretary of State may by order make provision with respect to the management, regulation and control of the cemeteries of burial authorities and any such order may—
 - (a) impose a fine for any contravention of the order; and
 - (b) contain such provision amending or repealing any enactment (including any enactment in Schedule 26 to this Act) or revoking any instrument made under any enactment as appears to the Secretary of State to be necessary or proper in consequence of the order.
- (4) An order under this section may only be made after consultation with associations appearing to the Secretary of State to be representative of local authorities and with

Changes to legislation: Local Government Act 1972, Section 214 is up to date with all changes known to be in force on or before 22 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

other bodies appearing to him to be concerned, and any such order shall be of no effect unless approved by a resolution of each House of Parliament.

- (5) A burial authority within the meaning of this section, other than a parish meeting, shall also be a burial authority for the purposes of the ^{M3}Cremation Acts 1902 ^{M4} and 1952.
- (6) A burial authority may contribute towards any expenses incurred by any other person in providing or maintaining a cemetery in which the inhabitants of the authority's area may be buried.
- (7) Schedule 26 to this Act shall have effect with respect to the exercise of functions of burial authorities and the management of cemeteries and crematoria and for making amendments and modifications of the enactments relating to cemeteries and crematoria.
- (8) In this section and that Schedule "cemetery" includes a burial ground or any other place for the interment of the dead (including any part of any such place set aside for the interment of a dead person's ashes).

Textual Amendments

- F1** Words in s. 214(1) inserted (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 44** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**
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Marginal Citations

- M1** 1852 c. 85.
M2 1894 c. 73 (56 & 57 Vict.).
M3 1902 c. 8.
M4 1952 c. 31.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 80(3B) omitted by [2021 asc 1 Sch. 2 para. 1\(3\)\(c\)](#)
- s. 101(6ZA) inserted by [2023 c. 55 Sch. 12 para. 2](#)
- s. 123(2C) inserted by [2023 c. 55 s. 75](#)
- s. 131(2)(n) and word inserted by [2023 asc 3 Sch. 13 para. 16](#)