



Great Northern London Cemetery Company Act 1968

CHAPTER xxvii

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ELIZABETH II



1968 CHAPTER xxvii

Act to authorise the Great Northern London Cemetery Company to sell certain land belonging to the said company free from restrictions; to authorise the erection of buildings thereon; and for other purposes.
[26th July 1968]

WHEREAS—

(1) The Great Northern London Cemetery Company (hereinafter called "the Company") was incorporated by the Great Northern London Cemetery Act, 1855, and, under the powers of 1855 c. clix. Act, purchased lands formerly in the urban district of East Acton, in the county of Hertford, and now in the London Borough of Barnet (hereinafter called "the borough") and constructed a cemetery (hereinafter called "the cemetery") on a portion of the said lands:

Further provisions were made with regard to the cemetery and further powers were conferred on the Company by the Great Northern London Cemetery Act, 1876, and the Great Northern London Cemetery Act, 1896, and the Company were empowered, 1876 c. ccxvii. 1896 c. xxxix. the Great Northern London Cemetery (Crematorium) Act, 1953 c. xii. to erect and maintain and have erected, within the cemetery, a crematorium for the burning of human remains:

(3) The cemetery is situated on that portion of the land purchased by the Company under the said Act of 1855 which lies on the east side of Brunswick Park Road in the borough and the remainder of the said lands, extending to approximately 3½ acres, lies on the west of the said Brunswick Park Road:

1961 c. xiii.

(4) A portion of the said lands which lie on the west of the said Brunswick Park Road has in the past been set apart and utilised by the Company as an unconsecrated burial ground and the remaining portion thereof, extending to some 1.4 acres thereabouts, and having a frontage to the said Brunswick Park Road, which had not been so used, has been sold by the Company in pursuance of powers conferred upon them by the Great Northern London Cemetery Company Act, 1961, and developed

(5) Burials in public graves in the said unconsecrated burial ground ceased in the year 1864 and since 1920 there have been only eight burials therein in private graves (the last of them being in 1953 in a reopened private grave); in the years 1940 and 1941 the bodies of a number of civilians who were victims of air raids on the former borough of Shoreditch were buried in a communal grave in the said unconsecrated burial ground:

(6) The revenues of the Company have been insufficient to provide a proper standard of maintenance in the cemetery or the said unconsecrated burial ground and it is consequently expedient that the Company should be authorised to dispose of the said unconsecrated burial ground by way of sale free from restrictions and should for that purpose be authorised to remove from the said unconsecrated burial ground any human remains which are interred therein:

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

(8) The objects of this Act cannot be attained without the authority of Parliament:

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:—

Short and
collective
titles.

1.—(1) This Act may be cited as the Great Northern London Cemetery Company Act 1968.

(2) This Act and the Great Northern London Cemetery Act 1855 to 1961, may be cited together as the Great Northern London Cemetery Acts, 1855 to 1968.

—(1) In this Act, unless the context otherwise requires— Interpretation.

“borough” means the London Borough of Barnet;

“Company” means the Great Northern London Cemetery Company;

“enactment” has the same meaning as in the Town and Country Planning Act, 1962; 1962 c. 38.

“scheduled land” means the land described in the Schedule hereto and coloured green on the signed plan;

“signed plan” means the plan signed in triplicate by the Right Honourable the Earl of Listowel, P.C., G.C.M.G., the chairman of the committee of the House of Lords to whom the Bill for this Act was referred, one copy of which has been deposited at each of the following offices:—

(a) the office of the Clerk of the Parliaments, House of Lords;

(b) the Private Bill office of the House of Commons; and

(c) the office of the Company.

(2) If there be any discrepancy between the Schedule to this Act and the signed plan, the signed plan shall prevail.

3. Notwithstanding anything in any enactment the Company may sell the scheduled land or any part thereof or any easement, right or privilege of any kind over or in relation thereto. Power to sell scheduled land.

As from the passing of this Act, the scheduled land shall be freed and discharged from all trusts, uses, obligations, liabilities and restrictions whatsoever which immediately before the passing thereof attached to the scheduled land and from all trusts and interests of any person who is a personal representative or relative of any deceased person whose remains are interred therein and from all other trusts, uses, obligations, disabilities and restrictions whatsoever which attached to the scheduled land or any part thereof immediately before the passing of this Act by reason of the scheduled land or any part thereof being a burial ground or otherwise: Discharge of trusts and restrictions affecting scheduled land and saving for private rights.

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

Power to
use scheduled
land for
building or
other purposes.

5.—(1) Notwithstanding anything contained in any enactment but subject to the provisions of this Act, it shall be lawful at any time after the passing of this Act to use, deal with or dispose of the scheduled land or any part thereof for building or for any other purpose in like manner as if no part thereof had ever been used or set apart for the purpose of the burial of human remains.

(2) Any moneys received by the Company under this section shall, after payment of the costs of preparing for, obtaining and passing of this Act, or otherwise in relation thereto, be applied by the Company towards the maintenance and improvement of the cemetery.

Removal of
human
remains from
scheduled
land.

6.—(1) Before any person erects or causes to be erected any building on the scheduled land or uses the scheduled land or causes the same to be used for any purpose other than as a burial ground the Company shall remove, or cause to be removed, therefrom the remains of all deceased persons interred therein.

(2) Before proceeding to remove any such remains the Company shall—

(a) give notice of their intention so to do by publishing a notice once in each of two successive weeks in a newspaper circulating in the borough and in a newspaper circulating in the London Borough of Hackney with an interval between each publication of not less than seven days;

(b) serve by registered post or the recorded delivery service on every person who appears to them after diligent enquiry to be the personal representative or next of kin of any deceased person interred in the scheduled land a copy of such notice; and

(c) display a like notice in a conspicuous position on the scheduled land;

and every such notice shall have embodied in it the substance of subsections (3) to (9) of this section.

(3) At any time within two 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 the scheduled land may give notice in writing to the Company of his intention to undertake the removal of such remains and thereupon he shall be at liberty, within two months from the date of such last-mentioned notice, to cause such remains to be removed to and reinterred in any other burial ground or cemetery in which burials may legally take place (but in the case of a churchyard only with the consent of the incumbent of the benefice concerned) or to be removed to and cremated in any crematorium.

4) If any person giving such notice as aforesaid fails to satisfy the Company that he is such personal representative or relative he claims to be, the question shall be determined on the application of either party in a summary manner by the Barnet County Court who shall have power to make an order specifying who shall remove the remains and as to the payment of the costs of the application.

5) The expenses of a removal and reinterment or cremation not exceeding in respect of the remains of any one deceased person removed from any grave the sum of fifty pounds) shall be defrayed by the Company.

6) If within the aforesaid period of two months, no such notice as aforesaid shall have been given to the Company in respect of the remains in any grave, or if after such notice has been given the person giving it or, as the case may be, the person specified in any order made under subsection (4) of this section fails to comply with a provision of this section, the Company may remove the remains of the deceased person and cause them to be cremated in the crematorium belonging to the Company.

7) Upon any removal of remains from any part of the scheduled land, the Company shall deposit with the Registrar-General a certificate of removal and reinterment or cremation giving the dates of removal and reinterment or cremation respectively, identifying the place from which the remains were removed and the place in which they were reinterred or cremated and showing the particulars of each removal separately.

(8) All tombstones relating to the remains of any deceased person removed under this section shall, at the expense of the Company, be removed and re-erected at the place of reinterment or cremation of such remains, or at such place as the said county court may direct on the application (if any) of such personal representative or relative as aforesaid, or, failing such application, the application of the Company, and the Company shall cause a record to be made of each tombstone taken from the scheduled land under this section containing—

- (a) a copy of the inscription on it; and
 - (b) if it is intended to preserve the tombstone a statement naming the place to which it has been taken;
- and shall deposit a copy of the record with the Registrar-General;

Provided that in the case of a tombstone in respect of which an application is made by such personal representative or relative as aforesaid it shall not be necessary to re-erect the tombstone if the Company considers that, by reason of its ruinous condition,

it is unsuitable for re-erection and any such tombstone shall broken up and may be disposed of in such manner as the Company may direct.

(9) The removal of the remains of any deceased person under this section shall be carried out under the supervision of and subject to conditions imposed by the Secretary of State.

For
protection
of Hackney
Corporation.

7. For the protection of the mayor, aldermen and burgesses of the London Borough of Hackney (in this section referred to as "the corporation") the following provisions shall, unless otherwise agreed in writing between the Company and the corporation, apply and have effect:—

- (1) Before publishing any notice in any newspaper pursuant to subsection (2) of section 6 (Removal of human remains from scheduled land) of this Act, the Company shall in consultation with the corporation take all reasonable steps to afford notification in writing to the relatives or presumed relatives of those deceased persons agreed between the Company and the corporation to have been air raid victims and whose remains are interred in the scheduled land; and any such notification shall be accompanied by a note embodying the substance of subsections (3) to (9) of the said section 6:
- (2) In the event of the Company removing the remains of deceased persons pursuant to the said section 6, the Company shall give to the corporation not less than two months' written notice of the intended removal and shall upon such removal at their own expense remove also the war memorial to the air raid victims of Shoreditch situate in or upon that part of the scheduled land being plots 1 or 2 in section E on the Company's plan of their unconsecrated burial ground (being communal graves in which the remains of certain deceased persons who were air raid victims are interred) to the new site and shall there re-erect such memorial and, if reasonably required, at the Company's expense lay out its immediate surroundings in a workmanlike fit and proper manner to the reasonable satisfaction of the corporation:
- (3) (a) In subsection (2) of this section "the new site" means at the option of the corporation, to be exercised by written counter-notice to the Company given within two months of receipt of written notice by the Company under the relevant paragraph, either—
 - (i) a site in the cemetery reasonably approved by the corporation; or
 - (ii) a site in the London Borough of Hackney indicated clearly in the said counter-notice;

(b) If the new site is, in connection with either of the said paragraphs, in the cemetery, the Company shall grant to the corporation upon a nil consideration the right in perpetuity (similar to that enjoyed by the corporation in respect of the existing site of the memorial in question) to erect and maintain the said memorial upon the new site; and if the new site is in either such connection elsewhere than in the cemetery, the Company shall repay to the corporation any expenditure, costs and expenses incurred by the corporation in the acquisition of the new site:

(4) The Company shall repay to the corporation any reasonable expenses incurred by the corporation in or in connection with the removal and re-erection of the said war memorial:

(5) Any difference which may arise between the Company and the corporation under this section (other than a difference as to the construction or meaning thereof) shall be referred to and determined by a single arbitrator to be agreed upon between the parties, or, failing agreement, appointed by the President of the Royal Institute of Chartered Surveyors on the application of either party to the dispute (after notice in writing to the other).

8. The provisions of the Town and Country Planning Acts, Saving for 62 to 1966, and any restrictions or powers thereby conferred town and country planning. imposed in relation to land, shall apply and may be exercised in relation to any land notwithstanding that the development thereof is or may be authorised or regulated by or under this

9. All costs, charges and expenses of and incident to the Costs of Act. preparing for, obtaining and passing of this Act, or otherwise in relation thereto, shall be paid by the Company.

SCHEDULE

DESCRIPTION OF LAND REFERRED TO IN THE FOREGOING ACT

A piece of land in the London Borough of Barnet extending 2.02 acres or thereabouts bounded on the north by Brunswick Park Gardens and properties fronting thereon, on the south and west land belonging to the Standard Telephone Company Limited and on the east by Howard Close and properties fronting thereon.

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