



# Bishop's Stortford Cemetery Act 2024

## 2024 CHAPTER i

### 3 Power to extinguish rights of burial

- (1) Subject to subsection (2) and section 5, where in respect of any grave space in the cemetery a right of burial has not been exercised for 75 years or more from the date of the latest burial in the grave space or, if there has been no burial in the grave space, from the date of the grant of the right of burial in the grave space, the burial authority may, by notice given in accordance with section 6, extinguish the right of burial in that grave space.
- (2) No right of burial granted after the passing of this Act for any period longer than 75 years is to be extinguished under this section.
- (3) Subject to section 7, the power of the burial authority under subsection (1) to extinguish a right of burial in any grave space includes the power to remove any memorial in or on the grave space.
- (4) If notice of objection to the extinguishment of a right of burial in any grave space is given to the burial authority before the specified date by the registered owner of the right of burial and that objection is not withdrawn, the right of burial to which the objection relates must not be extinguished under this section.
- (5) If notice of any other objection to the extinguishment of a right of burial in any grave space or to the removal of a memorial, and of the grounds of any such objection, is given to the burial authority before the specified date and is not withdrawn, any right or memorial specified in the notice of the objection must not be extinguished or removed without the consent of the Secretary of State.
- (6) An extinguishment under subsection (1) takes effect—
  - (a) where no notice of objection is given, on the specified date;
  - (b) where notice of objection is given and the objection is withdrawn, on the specified date or the day after the objection is withdrawn, whichever is later; or
  - (c) where the Secretary of State consents to the extinguishment under subsection (5), on the day after that consent is given.

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*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

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- (7) As compensation for any right of burial extinguished under this section, the burial authority must on a claim being made by the registered owner of the right of burial within six months from the extinguishment of that right either—
- (a) pay to the owner such sum representing the value of that right as may be agreed between the burial authority and the owner or, in default of agreement, determined by arbitration; or
  - (b) confirm in writing to the owner that the right of burial extinguished is to be revived and, if confirmation is given under this paragraph, the right of burial is deemed not to have been extinguished under subsection (1).
- (8) In any arbitration under subsection (7)(a), the reference must be to a single arbitrator to be appointed by agreement between the parties or, in default of agreement, to be appointed by the President of the Royal Institution of Chartered Surveyors on the application of either party after giving notice in writing to the other party.