



CHAPTER xii

An Act to authorise the Great Northern London Cemetery Company to establish a crematorium to empower the said Company to raise additional capital and for other purposes. [6th May 1953.]

WHEREAS the Great Northern London Cemetery Company (hereinafter called "the Company") were incorporated by the Great Northern London Cemetery Act 1855 and under the powers of that Act purchased lands in the urban district of East Barnet in the county of Hertford and constructed a cemetery on the said lands:

And whereas further provisions were made with regard to the said 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 whereas it is expedient that the Company should be empowered to erect and maintain on lands forming part of the said cemetery a crematorium for the burning of human remains:

And whereas it is expedient that the Company should be authorised to raise additional capital by the creation and issue of shares or stock and by borrowing:

And whereas it is expedient that the further provisions contained in this Act should be enacted:

And whereas the purposes of this Act cannot be effected 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. This Act may be cited as the Great Northern London Cemetery (Crematorium) Act 1953 and this Act and the Great Northern London Cemetery Act 1855 the Great Northern London Cemetery Act 1876 and the Great Northern London Cemetery Act 1896 may be cited together as the Great Northern London Cemetery Acts 1855 to 1953.

Interpretation. 2. In this Act unless the context otherwise requires—
“ Act of 1847 ” means the Cemeteries Clauses Act 1847 ;
“ Act of 1855 ” means the Great Northern London Cemetery Act 1855 ;
“ Company ” means the Great Northern London Cemetery Company ;
“ the crematorium ” means any crematorium constructed by the Company under the powers of this Act.

Incorporation of Acts. 3. The following enactments so far as the same are applicable for the purposes of and are not inconsistent with the provisions of the Great Northern London Cemetery Acts 1855 to 1953 are hereby incorporated with this Act (namely):—

- (1) The Companies Clauses Consolidation Act 1845 (except the provisions thereof with respect to the conversion of the borrowed money into capital) ;
- (2) The Companies Clauses Act 1863 (except the provisions thereof which limit the rate of dividend on preference capital).

For the purpose of such incorporation the term “ special Act ” in the said Acts respectively shall be so construed as to mean this Act and the term “ undertakers ” shall mean the Company.

Power to establish crematorium. 4.—(1) The Company may set apart a site for and build provide fit up equip and use a crematorium proper and sufficient for the burning of human remains on the following lands (that is to say):—

A piece of land in the urban district of East Barnet in the county of Hertford containing in area one thousand eight hundred and fifty square feet or thereabouts and comprising the ground lying within the walled courtyard adjoining the north side of the existing chapel in the cemetery established by the Company under the powers conferred upon them by the Act of 1855.

(2) The Company may erect and build adjoining or in connection with the crematorium a convenient and suitable chapel for the reception of the dead immediately previous to burning

and for the purpose of performing burial services therein (or may alter or adapt and use for the purposes aforesaid any existing building of the Company) together with such lodges porches gardens colonnades columbaria or niches for the disposal of ashes and other buildings matters and things for such purposes as the Company may think proper.

(3) The Company may demand and take such reasonable charges or fees for the burning of any human remains in the crematorium as they think fit and such charges or fees shall be deemed to be part of the funeral expenses of the deceased.

(4) The Company may apply to the purposes of this Act any funds or moneys which they now have or may hereafter have in their hands or any moneys which they have power to raise by shares or by mortgage and which may not be required for any other purposes for which the Company were authorised to raise or borrow the same.

5. Nothing in this Act shall interfere with the jurisdiction of any coroner under the Coroners Act 1887 or any Act amending the same and nothing in this Act shall authorise the Company or any person to create or permit a nuisance. Saving for coroners.

6.—(1) Section XVI of the Act of 1847 shall have effect as if there were included therein a reference to the crematorium. Amendment of certain sections of Cemeteries Clauses Act 1847 as applied to Company.

(2) Section XXXVII of the Act of 1847 shall have effect as if the power to appoint servants for the care and use of the cemetery included power to appoint servants for the care and use of the crematorium.

(3) Sections LVIII and LIX of the Act of 1847 shall have effect as if in addition to the references therein to the cemetery there were included references to the crematorium.

7.—(1) The Company may from time to time raise additional capital not exceeding in the whole fifty thousand pounds by the creation and issue of new ordinary shares or stock or new preference shares or stock or wholly or partly by any one or more of those modes respectively. Power to raise additional capital.

(2) It shall not be lawful for the Company to create and issue under the powers of this section any greater nominal amount of share capital than shall be sufficient to produce including any premiums and allowing for any discounts which may be obtained or allowed on the issue thereof the sum of fifty thousand pounds.

8. The capital in new shares or stock created by the Company under this Act shall form part of the general share capital of the Company and except as by this Act otherwise provided the capital in new shares or stock created by the Company New shares or stock to form part of general capital of Company.

under this Act and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the now existing capital of the Company of the same class or description and the new shares or stock were shares or stock in that capital.

Power to
borrow.

9.—(1) (a) The Company may from time to time borrow on mortgage of the undertaking in respect of the additional capital authorised by this Act any sum or sums not exceeding in the whole fifty per centum of the amount (including premiums and allowing for discounts) which at the time of borrowing has been raised by the issue of such capital but no sum shall be borrowed in respect of the additional capital until the Company have proved to a justice before he gives his certificate under section XL of the Companies Clauses Consolidation Act 1845 that the whole of the amounts payable in respect of such capital at the time issued together with the premium (if any) realised on the sale thereof has been fully paid up.

(b) Notwithstanding anything in the Act of 1855 the Company may from time to time borrow on mortgage of the undertaking in respect of the capital authorised by the Act of 1855 any sum or sums not exceeding in the whole fifty per centum of the amount (including premiums and allowing for discounts) which at the time of borrowing has been raised by the issue of such capital.

(2) The Company may without being required to obtain the certificate of a justice under section XL of the Companies Clauses Consolidation Act 1845 from time to time borrow on mortgage of the undertaking in respect of their ordinary shares issued at the date of the passing of this Act any sum or sums not exceeding in the whole seventy-five thousand pounds.

Debenture
stock.

10. The Company may create and issue debenture stock subject to the provisions of Part III of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time after the passing of this Act created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank *pari passu* (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages. Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

11. All money raised by the Company on mortgage or by the creation and issue of debenture stock under the provisions of this Act shall have priority against the Company and the property from time to time of the Company over all other claims on account of any debts incurred or engagements entered into by the Company after the passing of this Act: Priority of mortgages and debenture stock over other debts.

Provided that this priority shall not affect any claim against the Company or their property in respect of any rentcharge granted or to be granted by them in pursuance of the Lands Clauses Acts or in respect of any rent or sum reserved by or payable under any lease granted or made to or vested in the Company which is entitled to rank in priority to or *pari passu* with the interest on their mortgages or debenture stock:

Provided further that nothing in this section shall affect the provisions of section 319 of the Companies Act 1948.

12. The mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one-tenth of the amount for the time being borrowed by the Company or two thousand pounds whichever shall be the less. For appointment of receiver.

13. It shall not be lawful to exercise the powers of borrowing or raising capital conferred by this Act otherwise than in compliance with the provisions of any order for the time being in force made under section 1 of the Borrowing (Control and Guarantees) Act 1946. Saving for powers of Treasury.

14. Section XIII (Number of Directors) of the Act of 1855 shall be read and have effect as if the words "more than ten or less than four" were substituted for the words "more than six or less than five" occurring therein. Amendment of section XIII of Act of 1855 as to number of directors.

15. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 or in the Act of 1855 the ordinary meetings of the Company shall (except as the Company may from time to time by a resolution of a general meeting otherwise determine) be held once only in each year in such month and at such time and place as the directors may from time to time determine. Annual meetings.

16.—(1) Notwithstanding anything contained in the Companies Clauses Consolidation Act 1845 it shall not be necessary for the Company to give public notice of any meeting of the Company whether ordinary or extraordinary. Notice of meetings.

(2) Any meeting of the Company whether ordinary or extraordinary may be convened by notice delivered at or sent by post to the registered address or other known address of each proprietor of the Company:

Provided that the notice if delivered shall be delivered at such address as aforesaid not less than six clear days or if sent by post shall be prepaid and posted not less than seven clear days before the date of the meeting. In proving that any such notice has been sent by post it shall be sufficient to prove that the notice was properly addressed and put into the post and prepaid not later than the time hereby prescribed.

Appointment
of proxies.

17. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 the attorney of any shareholder or stockholder of the Company duly authorised in writing to appoint a proxy may appoint a proxy to vote for and on behalf of the shareholder or stockholder and for that purpose may execute on behalf of the shareholder or stockholder the necessary form of proxy:

Provided that except in cases where the instrument appointing the attorney shall have been previously registered with the Company the instrument or (if the instrument has been deposited with the Central Office of the Supreme Court) an office copy thereof shall be transmitted to the secretary at the same time as the instrument appointing the proxy.

Signing of
minutes.

18. Section XCVIII (Proceedings to be entered in a Book and to be Evidence) of the Companies Clauses Consolidation Act 1845 shall in its application to the Company have effect as if the words "or of the next succeeding meeting" were inserted therein after the words "shall be signed by the chairman of such meeting".

Auditors.

19.—(1) It shall be lawful for the Company at any time by resolution passed at a general meeting to decide that the accounts of the Company shall be audited by a single auditor or by a firm of accountants and notwithstanding anything in the Companies Clauses Consolidation Act 1845 it shall not be necessary for such auditor or the members of such firm to hold any stock or share forming part of the capital of the Company.

(2) No person not being a retiring auditor of the Company shall be eligible to be elected at any general meeting of the Company as auditor of the Company unless notice be given to the secretary or left at the principal office of the Company seven days at least before the date of the meeting that such person will be proposed for election as an auditor of the Company. The secretary shall on receipt of any such notice send a copy thereof

(3) If any auditor of the Company dies or resigns the directors may appoint another auditor in his place and any auditor so appointed shall hold office until the next ordinary meeting of the Company.

Company may fix charges in respect of interments.

Saving for town and country planning.

Repeal.

Section	XXIV	(As to Arrangements with Great Northern Railway Company);
Section	XXV	(Not to prejudice other Arrangements with Parishes);
Section	XXVI	(Communications with Great Northern Railway);
Section	XXVIII	(Company to fix Fees and Charges);
Section	XXXIX	(Fees to Incumbents of Parishes &c. and to Parish Clerks);
Section	XLI	(No Part of Cemetery to be within 300 Yards of Houses);
Section	XLII	(Saving Rights of the Great Northern Railway Company);

The Great Northern London Cemetery Act 1876—

Company as to surplus lands).

The Costs of Act.

Table of Statutes referred to in this Act

Short title	Session and chapter
Companies Clauses Consolidation Act 1845 ...	8 & 9 Vict. c. 16.
Cemeteries Clauses Act 1847	10 & 11 Vict. c. 65.
Great Northern London Cemetery Act 1855 ...	18 & 19 Vict. c. clix.
Companies Clauses Act 1863	26 & 27 Vict. c. 118.
Great Northern London Cemetery Act 1876 ...	39 & 40 Vict. c. ccxvii.
Coroners Act 1887	50 & 51 Vict. c. 71.
Great Northern London Cemetery Act 1896 ...	59 & 60 Vict. c. xxxix.
Borrowing (Control and Guarantees) Act 1946 ...	9 & 10 Geo. 6. c. 58.
Town and Country Planning Act 1947	10 & 11 Geo. 6. c. 51.
Companies Act 1948	11 & 12 Geo. 6. c. 38.

PRINTED BY HENRY GEORGE GORDON WELCH, C.B.E.

Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament

LONDON : PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE

Price 9d. net

PRINTED IN GREAT BRITAIN

(78450)

Great Northern London Cemetery (Crematorium) Act, 1953

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