



CHAPTER lii

An Act to authorise the mayor, aldermen and burgesses of the county borough of Northampton to acquire and maintain the Billing Road Cemetery in the borough, to confer further powers on the said mayor, aldermen and burgesses in regard to cemeteries and burial grounds maintainable by them; and for other purposes.
[1st August, 1962.]

WHEREAS—

(1) The borough of Northampton (in this Act referred to as “the borough”) is a county borough under the government of the mayor, aldermen and burgesses of the borough acting by the council (in this Act referred to as “the Corporation”):

(2) The Billing Road Cemetery in the borough was formerly owned by the Northampton General Cemetery Company Limited and the said company is in liquidation:

(3) On the fourth day of July, nineteen hundred and fifty-nine, the said cemetery was disclaimed by the liquidator of the said company, and all implied covenants with the grantees or their successors of exclusive rights of burial in graves and all contracts for the maintenance of graves in the said cemetery were similarly disclaimed but a lodge and adjoining land belonging to the said company near the north-west corner of the said cemetery were not disclaimed as aforesaid:

(4) The said cemetery accordingly vested in the Crown by way of escheat but the Crown has not entered into possession and is not liable for the maintenance of the said cemetery:

(5) No person or authority is at present responsible for the maintenance of the said cemetery:

(6) It is expedient that the Corporation should be authorised to acquire the said cemetery, and also the said lodge and adjoining land, and to continue to maintain the said cemetery as a burial ground as in this Act provided:

(7) It is expedient that further powers should be conferred on the Corporation in relation to the said cemetery and other burial grounds in the borough maintainable by the Corporation:

(8) It is expedient that the other provisions in this Act be enacted:

(9) The purposes of this Act cannot be effected without the authority of Parliament:

(10) A plan of the lands required or which may be taken for the purposes or under the powers of this Act and also a book of reference to such plan containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of those lands have been duly deposited in the office of the Clerk of the Parliaments and in the Private Bill Office of the House of Commons and with the town clerk of the borough, which plan and book of reference are in this Act referred to respectively as the deposited plan and the deposited book of reference:

(11) In relation to the promotion of the Bill for this Act the requirements of Part XIII of the Local Government Act, 1933, have been observed:

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:—

PART I

PRELIMINARY

Short title.

1. This Act may be cited as the Northampton Corporation Act, 1962.

Division of Act into Parts.

2. This Act is divided into Parts as follows:—

Part I—Preliminary.

Part II—Billing Road Cemetery.

Part III—Burial grounds.

Part IV—General.

3.—(1) In this Act, unless the subject or context otherwise requires—

PART I
—cont.

Interpretation.

“borough” means the county borough of Northampton;

“Commonwealth war burial” means a burial of any officer or man of the military forces (including air forces) of His Majesty or of the naval forces of His Majesty fallen in the war of 1914 to 1921 or in the war of 1939 to 1947;

“Corporation” means the mayor, aldermen and burgesses of the borough acting by the council;

“council” means the council of the borough;

“enactment” includes any enactment in this Act, or in any general or local Act, and any order, byelaw, scheme or regulation for the time being in force within the borough;

“Lands Clauses Acts” means the Lands Clauses Acts as modified by the Lands Tribunal Act, 1949, the Land Compensation Act, 1961, and this Act;

“Minister” means the Minister of Housing and Local Government;

“Secretary of State” means the Secretary of State for the Home Department;

“tribunal” means the Lands Tribunal.

(2) Except where the context otherwise requires, any reference in this Act to any enactment shall be construed as a reference to that enactment as applied, extended, amended or varied by, or by virtue of, any subsequent enactment, including this Act.

4. The Lands Clauses Acts except sections 127 to 133, 150 and 151 of the Lands Clauses Consolidation Act, 1845 (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act), are hereby incorporated with this Act: Incorporation
of Lands
Clauses Acts.

Provided that the bond required by section 85 of the Lands Clauses Consolidation Act, 1845, shall be sufficient without the addition of the sureties mentioned in that section.

PART II

BILLING ROAD CEMETERY

5. In this Part of this Act, unless the context otherwise requires— Definitions
for Part II.

“the cemetery” means the Billing Road Cemetery in the borough comprising the lands and buildings delineated on the deposited plan and described in the deposited book of reference and therein numbered one; and

PART II
—cont.

“ the company ” means the Northampton General Cemetery Company Limited (in liquidation).

Vesting in Corporation of Crown interest in cemetery.

6. On the passing of this Act the freehold interest of the Crown in the cemetery shall by virtue of this Act be transferred to and vest in the Corporation without any deed of conveyance, freed and discharged from all trusts, uses, purposes, obligations, disabilities and restrictions whatsoever which immediately before the passing of this Act attached thereto.

Power to acquire lands.

7.—(1) Subject to the provisions of this Act, the Corporation may enter upon, take and use the lands numbered two on the deposited plan.

(2) The powers of compulsory purchase of land under this section shall cease after the expiration of three years from the thirty-first day of December, nineteen hundred and sixty-two.

Correction of errors in deposited plan and book of reference.

8.—(1) If the deposited plan or the deposited book of reference are inaccurate in their description of any land, or in their statement or description of the ownership or occupation of any land, the Corporation, after giving not less than ten days' notice to the owner, lessee and occupier of the land in question, may apply to two justices having jurisdiction in the borough for the correction thereof.

(2) If on any such application it appears to the justices that the misstatement or wrong description arose from mistake, the justices shall certify the fact accordingly and shall in their certificate state in what respect any matter is misstated or wrongly described.

(3) The certificate shall be deposited in the office of the Clerk of the Parliaments, and a copy thereof in the Private Bill Office, House of Commons and with the town clerk of the borough and thereupon the deposited plan and the deposited book of reference shall be deemed to be corrected according to the certificate, and it shall be lawful for the Corporation to take the land in accordance with the certificate.

(4) A person with whom a copy of a certificate is deposited under this section shall keep it with the other documents to which it relates.

Power to expedite entry.

9. At any time after serving a notice to treat in respect of any land that may be acquired compulsorily under this Act but not less than one month after giving the owner and occupier of the land notice of their intention to exercise the powers of this section, the Corporation may enter on and take possession of the land, or such part thereof as is specified in the last-mentioned notice, without previous consent and without compliance with sections 84 to 90 of the Lands Clauses Consolidation Act, 1845:

Provided that the Corporation shall pay the like compensation for land of which possession is taken under this section, and the like interest on the compensation awarded, as would have been payable if the provisions of those sections had been complied with.

PART II
—cont.

10. Any person acting on behalf of the Corporation and duly authorised in that behalf may, on producing if so required some duly authenticated document showing his authority, at all reasonable times enter on any land which the Corporation are authorised by this Act to acquire compulsorily for the purpose of surveying or valuing the land:

Power to enter for survey or valuation.

Provided that no land shall be entered under this section unless the Corporation, not less than seven days before the date of the first entry and not less than twenty-four hours before any subsequent entry, have given notice to the owner and occupier of the land.

11. In determining any question of disputed compensation or purchase money in respect of the acquisition under this Act of the lands numbered two on the deposited plan the tribunal shall not take into account—

Disregard of recent improvements and interests.

(a) any improvements or alteration made, or building erected, after the fifth day of December, nineteen hundred and sixty-one; or

(b) any interest in the land created after the said date;

which in the opinion of the tribunal was not reasonably necessary and was made, erected or created with a view to obtaining or increasing the compensation or purchase money.

12.—(1) All private rights of way over any land that may be acquired compulsorily under this Act shall, as from the acquisition of the land, whether compulsorily or by agreement, be extinguished.

Extinction of private rights of way.

(2) Any person who suffers loss by the extinguishment of any right under this section shall be entitled to be paid by the Corporation compensation to be determined in case of dispute under and in accordance with the Land Compensation Act, 1961.

13.—(1) Any person being the holder of a grant of the exclusive right of burial in any part of the cemetery granted by the company prior to the fourth day of July, nineteen hundred and fifty-nine (in this section referred to as “the grantee”) may, within one year of the first publication of the notice referred to in subsection (2) of this section, apply to the Corporation for a grant of

Exclusive rights of burial.

PART II
—cont.

the exclusive right of burial in such part and the Corporation shall on receiving such application grant such exclusive right of burial accordingly for a period of twenty-five years from the passing of this Act, or for such shorter period as the grantee may require, on the payment by the grantee in consideration for such grant of the sum of ten shillings, and save in respect of any such grant no person shall have any right or interest in any part of the cemetery or any monument, tablet or gravestone placed therein.

(2) Within six months of the passing of this Act the Corporation shall—

- (a) publish a notice stating the effect of the foregoing subsection once in each of four successive weeks in some newspaper circulating in the borough, with an interval between the dates of publication of not less than six clear days; and
- (b) display a notice to the said effect in a conspicuous position in the cemetery.

Agreements
for
maintenance
of graves.

14.—(1) Any person who is a party to an agreement entered into between that person and the company prior to the fourth day of July, nineteen hundred and fifty-nine for the maintenance in perpetuity of a grave in the cemetery may, within one year of the publication of the notice referred to in subsection (2) of this section, apply to the Corporation for his agreement to be continued as if the Corporation were referred to therein instead of the company, and on such application the agreement shall have effect accordingly, but no such agreement shall be effective after a period of twenty-five years from the passing of this Act.

(2) Within six months of the passing of this Act the Corporation shall—

- (a) publish a notice stating the effect of the foregoing subsection once in each of four successive weeks in some newspaper circulating in the borough, with an interval between the dates of publication of not less than six clear days; and
- (b) display a notice to the said effect in a conspicuous position in the cemetery.

Maintenance
of cemetery.

15. As from the passing of this Act the Corporation shall be deemed to have acquired the cemetery in pursuance of the provisions of the Public Health (Interments) Act, 1879, and the provisions of that Act, the Public Health Act, 1936, and Part III (Burial grounds) of this Act shall apply to the cemetery as they

apply to any other burial ground maintainable by the Corporation but save under the provisions of section 13 (Exclusive rights of burial) of this Act burials shall be wholly discontinued in the cemetery and it shall not be lawful to deposit therein the ashes of any person whose remains have been cremated.

PART II
—cont.

PART III

BURIAL GROUNDS

16. In this Part of this Act, unless the context otherwise requires—

Definitions
for Part III:

“burial ground” includes any churchyard, cemetery or other ground, whether consecrated or not, which has been at any time set apart for the purpose of interment and is for the time being maintained by the Corporation;

“disused burial ground” means any burial ground which is no longer used for interments, whether or not the ground has been partially or wholly closed for burials under the provisions of a statute or Order in Council;

“faculty” means a licence or faculty from the consistory court of the diocese in which the burial ground is situate;

“grave” means a place of burial and includes a vault, niche or urn;

“memorial” includes a monument, gravestone, tablet, tombstone, headstone, kerbstone, railings, vase and any other ornament placed or erected over any grave or in or on any chapel or other building vested in the Corporation in a burial ground.

17.—(1) The burial ground vested in the Corporation and known as the Dallington Burial Ground shall be deemed to have been a cemetery provided by the Corporation under the Public Health Acts and the provisions of those Acts and of this Part of this Act shall apply to the said burial ground as they apply to a cemetery provided by the Corporation under those Acts.

As to
Dallington
Burial
Ground.

(2) The Burial Acts, 1852 to 1906, except to such extent as they are expressed to apply to a burial ground provided under the Public Health (Interments) Act, 1879, or to a local authority maintaining a cemetery under that Act, shall cease to be in force with respect to the said burial ground and the Corporation in relation thereto.

PART III
—cont.

(3) Any byelaw made by the Corporation under or by virtue of the Public Health Acts and in force at the passing of this Act with respect to the management of cemeteries provided by them and to the charges for the use of the same shall apply to the said burial ground in like manner as to the cemeteries named therein.

(4) Nothing in this section shall affect any exclusive right of burial in any part of the said burial ground:

Provided that any assignment or bequest of any such right shall be subject to the provisions of sections 44 to 47 of the Cemeteries Clauses Act, 1847.

(5) The said burial ground shall after the passing of this Act be called the Dallington Cemetery.

(6) In and for the purposes of this section the expression “the Public Health Acts” means the Public Health (Interments) Act, 1879, and the Public Health Act, 1936.

Extension of
power to
maintain
burial
grounds.

18.—(1) The powers of the Corporation in relation to a burial ground shall include power—

- (a) to put, and keep, in order any memorial therein;
- (b) to level any grave therein;
- (c) to remove the whole or part of any memorial therein;
- (d) to alter the position of any such memorial.

(2) Before exercising a power conferred by paragraphs (b), (c) or (d) of the foregoing subsection the Corporation shall—

- (a) publish a notice of their intention to do so once in each of two successive weeks in some newspaper circulating in the borough, with an interval between the dates of publication of not less than six clear days;
- (b) display a notice thereof in a conspicuous position in the burial ground; and
- (c) serve a notice thereof upon the owner of the grave, or upon a relative of a deceased person whose remains are interred therein, if after reasonable inquiry the name and address of the owner, or of a relative of such a person, can be ascertained.

(3) Each of the notices shall in relation to the grave to which it refers—

- (a) contain brief particulars of the Corporation’s proposals, and specify an address at which full particulars of the proposals can be obtained, unless the brief particulars are of proposals incapable of further statement;
- (b) specify the date on which it is intended that the Corporation will begin to carry out the proposals, which shall be not earlier than the fourteenth day after the

date of the later of the two publications, or than the twenty-first day after the date on which the notice in the burial ground is first displayed, or, where notice is required to be served, than the twenty-first day after the date of service, whichever is the latest; and

(c) state the effect of the next following subsection.

(4) If notice of objection to a proposal, and of the ground thereof, is given to the Corporation before the date specified under paragraph (b) of the last foregoing subsection that proposal shall not be carried out without the consent of the Minister, unless the notice is withdrawn.

(5) The Corporation may put to such use as they think appropriate, or destroy, any memorial removed under this section, unless the memorial is claimed and removed by the person claiming it or some person acting on his behalf within three months after the date of the earlier of the two publications of the notice required by paragraph (a) of subsection (2) of this section, or, where notice has been served under paragraph (c) thereof, after the date of such service, whichever is the later.

(6) Where a memorial is removed by the Corporation under this section, the Corporation may erect at their own expense, in substitution, a tombstone of a value not exceeding twenty-five pounds.

(7) The Corporation shall cause a record to be made of each memorial removed or otherwise disposed of by them in pursuance of their powers under this section or section 20 (Powers as to disused part of burial ground) of this Act containing—

(a) a copy of any inscription on it; and

(b) if it is intended to preserve the memorial, a statement showing where it has been taken to;

and shall deposit a copy of the record with the Registrar-General.

(8) Nothing in the foregoing provisions of this section shall relieve the Corporation from any obligation to which they are subject apart from those provisions to obtain a faculty for any work.

Subsections (2) to (4) of this section shall not have effect in relation to any work for which the Corporation obtain a faculty; and subsection (5) thereof shall not have effect in relation to any memorial for whose removal a faculty was obtained.

19.—(1) Notwithstanding anything in any other Act, but subject to the provisions of subsections (2) to (8) of section 21 (Removal of human remains) of this Act, it shall be lawful for the Corporation with the consent of the Minister to use, deal with or dispose

Power to use certain burial grounds for building, etc.

PART III
—cont.

of for building or for any other purpose any disused burial ground in the borough for the time being vested in them in like manner as if no part thereof had ever been used or set apart for the purpose of the burial of human remains, and without prejudice to the generality of the foregoing provisions of this subsection the Corporation may exercise in respect of such disused burial ground all or any of the powers conferred upon them by section 40 (Power to develop land) of the Northampton Corporation Act, 1943:

Provided that in respect of a disused burial ground forming the churchyard of a Church of England church, whether or not there is a church standing in it still in use for public worship at the time of the proposed exercise of such powers, the said powers shall not be exercised unless a faculty is first obtained in addition to the consent of the Minister.

(2) Before erecting or causing to be erected any building on any disused burial ground the Corporation shall remove or cause to be removed therefrom the remains of all deceased persons interred therein:

Provided that if it appears to the Secretary of State that compliance with the provisions of this subsection is in all the circumstances unnecessary in relation to all or any of the remains, he may dispense, on such conditions, if any, as he thinks fit, with compliance with those requirements in relation to those remains.

Powers as to
disused part
of burial
ground.

20.—(1) The Corporation shall not exercise any of the powers conferred upon them by this section with reference to the consecrated part of any burial ground unless and until they are authorised so to do by a faculty.

(2) Where part of a burial ground vested in the Corporation is disused (other parts being still used for interments) the Corporation may, pursuant to section 18 (Extension of power to maintain burial grounds) of this Act, remove or change the position of any memorial in the disused part and may manage and lay out and maintain the same as a garden, but the public shall not have access thereto except to such extent as the Corporation may permit.

(3) Where part of a burial ground in the borough not vested in the Corporation is disused the owner (including a trustee for a charity) thereof may convey such part to, or grant any term of years or other limited interest therein to, or make any agreement with the Corporation for the purposes of this section, and the Corporation may accept such conveyance thereof or grant of interest therein and enter into such agreement.

21.—(1) In the exercise of the powers of section 20 (Powers as to disused part of burial ground) of this Act the remains of any deceased person interred in the part of the burial ground in which the powers are exercised shall not be disturbed unless the Corporation find it necessary and in that case the Corporation shall remove or cause to be removed the remains of any deceased person which have to be disturbed. Removal of human remains.

(2) Before proceeding to remove any such remains as are referred to in section 19 (Power to use certain burial grounds for building, etc.) or in this section the Corporation shall publish notice of their intention so to do in some newspaper circulating in the borough once in each of two successive weeks with an interval between such publications of not less than six clear days, and display a notice in a conspicuous position in the burial ground concerned, and such notice shall have embodied in it the general effect of subsections (3), (4), (5) and (6) 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 in respect of whose remains the Corporation have published a notice under subsection (2) of this section may give notice in writing to the Corporation of his intention to undertake the removal of such remains and any memorial relating thereto and, subject, in the case of a Commonwealth war burial, to the provisions of subsection (3) of section 28 (For the protection of the Commonwealth War Graves Commission) of this Act, thereupon he shall be at liberty to cause such remains to be removed to and reinterred in any burial ground or cemetery in which burials may legally take place and to remove such memorial.

(4) If any person giving such notice as aforesaid shall fail to satisfy the Corporation that he is such personal representative or relative as he claims to be the question shall be determined, on the application of either party, in a summary manner by the registrar of the consistory court of the diocese for the time being in the case of the removal of remains referred to in subsection (1) of this section from the churchyard of a Church of England church, or by a county court in all other cases, and the said registrar or county court (as the case may be) shall have power to make an order specifying who shall remove the remains and any memorial relating thereto.

(5) The expense of such removal and reinterment (not exceeding in respect of remains removed from any one grave and any memorial relating thereto the sum of fifty pounds) shall be defrayed by the Corporation, such sum to be apportioned, if necessary, equally according to the number of deceased persons whose remains have been removed from the grave.

PART III
—cont.

(6) If—

- (a) within the said period of two months no notice as aforesaid shall have been given to the Corporation in respect of the remains in any grave; or
- (b) within two months after such notice as aforesaid has been given no application has been made under subsection (4) of this section and the person giving the notice under that subsection fails to remove the remains; or
- (c) within two months after any order is made under subsection (4) of this section the person specified in the order fails to remove the remains;

the Corporation may remove the remains of the deceased person and cause them to be reinterred in such burial ground in which burials may legally take place as the Corporation think suitable for the purpose subject, in the case of remains referred to in subsection (1) of this section removed from the churchyard of a Church of England church, to the previous authority of a faculty.

(7) Any jurisdiction or power conferred on a county court by this section may be exercised by the registrar of the court.

(8) The removal of the remains of any deceased person under this section shall be carried out under the supervision and to the satisfaction of the medical officer of health of the borough:

(9) The powers conferred by this section shall not be exercised in respect of a disused burial ground forming the churchyard of a Church of England church whether or not there is a church standing in it still in use for public worship at the time of the proposed exercise of such powers unless a faculty is first obtained.

Registration
of burials.

22. Section 3 of the Registration of Burials Act, 1864, and so much of section 32 of the Cemeteries Clauses Act, 1847, as requires copies or transcripts of register books of burials to be sent to the diocesan registrar shall cease to have effect with regard to burials in any burial ground maintained by the Corporation.

Grant of
exclusive
rights of
burial under
hand.

23. Notwithstanding anything in section 42 of the Cemeteries Clauses Act, 1847, and the schedule to that Act, or in any other enactment, a form of grant of the exclusive right of burial in any part of a burial ground maintainable by the Corporation may be given under the hand of the town clerk of the borough or his duly authorised representative in lieu of under the common seal of the Corporation.

PART IV
GENERAL

24.—(1) The Corporation may borrow—

Power to borrow.

- (a) such sums as may be necessary for any of the purposes of this Act;
- (b) without the consent of any sanctioning authority, for any of the purposes specified in the first column of the following table, the sum specified in relation thereto in the second column of that table.

(2) The period from the date of borrowing for the repayment of a sum borrowed under paragraph (b) of the foregoing subsection shall not exceed the period specified in relation thereto in the third column of the said table.

(3) Subject to the provisions of this section, Part IX of the Local Government Act, 1933, shall have effect as if money borrowed under this section were borrowed under that Part and as if the following table were in the Eighth Schedule to that Act.

(4) It shall not be lawful to exercise the powers of borrowing conferred by this section, other than the power of borrowing to pay the costs, charges and expenses of this Act, except in compliance with any order for the time being in force under section 1 of the Borrowing (Control and Guarantees) Act, 1946.

(1)	(2)	(3)
Purpose for which money may be borrowed	Amount	Maximum period for repayment of loan
The purchase of land under the powers of this Act	The sum requisite	Sixty years.
The costs, charges and expenses of this Act	The sum requisite	Five years.

25.—(1) Any Minister of the Crown may cause such local inquiries to be held as he may consider necessary for the purpose of any of his functions under this Act. Local inquiries.

(2) Subsections (2) to (5) of section 290 of the Local Government Act, 1933, shall apply in relation to any such inquiry; and for that purpose the definition of "department" in subsection (8) of that section shall include any Minister of the Crown having functions under this Act as well as the Ministers therein mentioned.

PART IV
—cont.

(3) In this section “Minister of the Crown” has the same meaning as in the Ministers of the Crown (Transfer of Functions) Act, 1946.

Protection of members and officers of Corporation from personal liability.

26. Section 265 of the Public Health Act, 1875, shall apply to the Corporation as if any reference in that section to the said Act of 1875 included a reference to this Act and as if any reference in that section to a member of a local authority included a reference to a member of a committee of a local authority.

Application of general provisions of Public Health Act, 1936.

27. The sections of the Public Health Act, 1936, hereinafter mentioned shall have effect as if references therein to that Act included references to this Act:—

Section 283 (Notices to be in writing; forms of notices, &c.);

Section 284 (Authentication of documents);

Section 285 (Service of notices &c.);

Section 286 (Proof of resolutions, &c.);

Section 288 (Penalty for obstructing execution of Act);

Section 304 (Judges and justices not to be disqualified by liability to rates);

Section 328 (Powers of Act to be cumulative).

For the protection of the Commonwealth War Graves Commission.

28.—(1) In relation to any burial ground to which the provisions of Parts II or III of this Act apply and in which there are situated any Commonwealth war graves relating to the war of 1914 to 1921 or to the war of 1939 to 1947 the Corporation shall—

(a) not later than the date upon which such notice is first published in a newspaper circulating in the borough, serve upon the Commonwealth War Graves Commission (in this section referred to as “the commission”) a copy of any notice which the Corporation are required to publish pursuant to any of the said provisions;

(b) give written notification to the commission of their intention to apply for any faculty for the purposes of any of the said provisions;

and in any such case shall have due regard to any written representations made by the commission within a period of one month from the receipt by the commission of the notice or notification, as the case may be.

(2) The Corporation shall not in pursuance of the powers of Parts II and III of this Act remove any headstone or other memorial placed or erected over any Commonwealth war grave

unless they have first given to the commission satisfactory assurances in writing in regard to all or such of the following matters as the commission consider appropriate, namely:—

PART IV
—cont.

- (a) that no other memorial shall be placed or erected over such grave;
- (b) that any Commonwealth war burial in such grave shall at all times be protected from interference or disturbance except in the circumstances referred to in and in accordance with the provisions of subsection (3) of this section;
- (c) that in the case of any headstone placed or erected by the commission over any such Commonwealth war grave such headstone shall be removed only in accordance with such arrangements and in such manner including disposal of the headstone as shall be agreed in writing by the commission.

(3) If it is agreed between the Corporation and the commission that in a case not arising by virtue of subsection (2) of section 19 (Power to use certain burial grounds for building, etc.), of this Act there is no practical alternative other than for a Commonwealth war burial to be removed, or if a Commonwealth war burial is to be removed under the said subsection (2) then, subject to the Corporation complying with the provisions of Part III of this Act, the removal of the remains shall be carried out in accordance with such arrangements and to such place of reinterment as shall be agreed between the commission and the Corporation and any personal representative or relative who has given a notice to the Corporation in accordance with the provisions of subsection (3) of section 21 (Removal of human remains) of this Act, provided that, in default of agreement between the parties for any of the purposes of this subsection, any difference shall be referred to the Secretary of State for determination and effect shall be given thereto accordingly.

(4) If a Commonwealth war burial would be affected by a consent given by the Minister under subsection (1) of the said section 19 or by a dispensation given by the Secretary of State under subsection (2) of the said section 19, the Minister or the Secretary of State (as the case may be) shall, before deciding to issue any such consent or dispensation, give notice to the commission and shall consider any representations submitted by the commission within such period as the Minister or the Secretary of State may specify.

29. Notwithstanding anything in this Act or shown on the deposited plan, the Corporation shall not, under the powers of this Act, acquire otherwise than by agreement any electric lines or works (as respectively defined in the Electric Lighting Act, 1882)

For protection
of East
Midlands
Electricity
Board,

PART IV
—cont.

belonging to or maintained by the East Midlands Electricity Board or any works constructed for the lodging therein of such electric lines and works.

Saving for
town and
country
planning.

30. This Act shall be deemed to be an enactment passed before and in force at the passing of the Town and Country Planning Act, 1947, for the purposes of subsection (4) of section 13 and subsection (1) of section 118 of that Act.

Costs of
Act.

31. The costs, charges and expenses preliminary to and of and incidental to the preparing, applying for, obtaining and passing of this Act as taxed and ascertained by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the general rate fund of the borough or out of such other funds and in such proportions as the Corporation shall determine or out of moneys to be borrowed under this Act for that purpose.

Table of Statutes referred to in this Act

Short title	Session and chapter
Lands Clauses Consolidation Act, 1845 ...	8 & 9 Vict. c. 18.
Cemeteries Clauses Act, 1847 ...	10 & 11 Vict. c. 65.
Registration of Burials Act, 1864 ...	27 & 28 Vict. c. 97.
Public Health Act, 1875 ...	38 & 39 Vict. c. 55.
Public Health (Interments) Act, 1879 ...	42 & 43 Vict. c. 31.
Electric Lighting Act, 1882 ...	45 & 46 Vict. c. 56.
Local Government Act, 1933 ...	23 & 24 Geo. 5 c. 51.
Public Health Act, 1936 ...	26 Geo. 5 & 1 Edw. 8 c. 49.
Northampton Corporation Act, 1943 ...	6 & 7 Geo. 6 c. xv.
Ministers of the Crown (Transfer of Functions) Act, 1946 ...	9 & 10 Geo. 6 c. 31.
Borrowing (Control and Guarantees) Act, 1946 ...	9 & 10 Geo. 6 c. 58.
Town and Country Planning Act, 1947 ...	10 & 11 Geo. 6 c. 51.
Lands Tribunal Act, 1949 ...	12 & 13 Geo. 6 c. 42.
Land Compensation Act, 1961 ...	9 & 10 Eliz. 2 c. 33.

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