

*Changes to legislation:* Local Government Act 1972, Cross Heading: Provision and management of cemeteries is up to date with all changes known to be in force on or before 20 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](#)

## SCHEDULES

### SCHEDULE 26

#### CEMETERIES AND CREMATORIA

##### *Provision and management of cemeteries*

- 10 Sections 15<sup>F1</sup> . . . of the <sup>M1</sup>Public Health Act 1936 shall apply to the carrying out of works by the council of a district or London borough or the Common Council outside their respective areas for the purpose of a cemetery or crematorium as they apply to the construction of sewage disposal works by such a council outside their area.

#### Textual Amendments

**F1** Words repealed by [S.I. 1974/595](#)

#### Marginal Citations

**M1** [1936 c. 49.](#)

- 11 (1) Subject to the provisions of any order made under section 214(3) above, the council of a district or London borough and the Common Council may make byelaws with respect to the management of any cemeteries provided by them and a parish<sup>F2</sup> . . . council or parish meeting may adopt for any cemetery provided by them any byelaws made under this paragraph by the district council and duly confirmed.

[<sup>F3</sup>(1A) Subject to the provisions of any order made under section 214(3) above, a Welsh principal council may make byelaws with respect to the management of any cemetery provided by them and a community council may adopt for any cemetery provided by them any byelaws made under this paragraph by the principal council and duly confirmed.]

- (2) The confirming authority in relation to byelaws made under this paragraph shall be the Secretary of State.

#### Textual Amendments

**F2** Words in [Sch. 26 para. 11\(1\)](#) repealed (1.4.1996) by [1994 c. 19, s. 66\(5\)\(8\)](#), [Sch. 15 para. 65\(5\)](#), [Sch. 18](#) (with [ss. 54\(5\)\(7\)](#), [55\(5\)](#), [Sch. 17 paras. 22\(1\), 23\(2\)](#)); [S.I. 1996/396, art. 4](#), [Sch. 2](#)

**F3** [Sch. 26 para. 11\(1A\)](#) inserted (1.4.1996) by [1994 c. 19, s. 66\(5\)](#), [Sch. 15 para. 65\(5\)](#) (with [ss. 54\(5\)\(7\)](#), [55\(5\)](#), [Sch. 17 paras. 22\(1\), 23\(2\)](#)); [S.I. 1996/396, art. 4](#), [Sch. 2](#)

<sup>F4</sup>12, 13. . . . .

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#### Textual Amendments

**F4** [Sch. 26 paras. 12, 13, 18–23](#) repealed by [S.I. 1974/628](#)

- 14 Until the first order under section 214(3) above takes effect, the <sup>M2</sup>Cemeteries Clauses Act 1847, except sections 15, 25, 27, 28, 30 to 35, 60, 66 and 67, shall be incorporated with this Act, but—
- (a) when the first order under that subsection takes effect, the said Act of 1847 shall cease to apply to cemeteries provided by local authorities, and
  - (b) section 10 of that Act (cemeteries not to be within a certain distance of houses) shall cease to have effect on 1st April 1974.

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#### Marginal Citations

**M2** [1847 c. 65.](#)

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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](#)