



Local Government Act 1972

1972 CHAPTER 70

PART IX

FUNCTIONS

Miscellaneous functions

215 Maintenance of a closed churchyard.

- (1) Subject to subsection (2) below, where outside the area subject to the ^{M1}Welsh Church Act 1914 a churchyard has been closed by an Order in Council, the parochial church council shall maintain it by keeping it in decent order and its walls and fences in good repair.
- (2) A parochial church council which is liable under subsection (1) above to maintain a closed churchyard may—
 - (a) if the churchyard is in a parish or community having a separate parish or community council, serve a written request on that council to take over the maintenance of the churchyard;
 - (b) if the churchyard is in a parish not having a separate parish council, serve such a request on the chairman of the parish meeting;
 - (c) if the churchyard is in a community not having a separate community council, serve such a request on the council of the [^{F1}county or county borough] in which the community is situated; or
 - (d) if the churchyard is in England elsewhere than the City and the Temples and is not in any parish, serve such a request on the council of the district or London borough in which the churchyard is situated;

and, subject to subsection (3) below, the maintenance of the churchyard shall be taken over by the authority on whom the request is served or the parish meeting, as the case may be, three months after service of the request.

- (3) If, pursuant to subsection (2) above, a request is served on a parish or community council or the chairman of a parish meeting and, if that council or meeting so resolve

Changes to legislation: Local Government Act 1972, Section 215 is up to date with all changes known to be in force on or before 19 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

and, before the expiration of the said three months, give written notice of the resolution to the council of the [^{F2}district, Welsh county or (as the case may be) county borough] and to the parochial church council maintaining the churchyard, the [^{F3}local authority to whom the notice is given] , and not the parish or community council or parish meeting, shall take over the maintenance of the churchyard at the expiration of the said three months.

- (4) Where before the passing of this Act a church council established under the constitution of the Church in Wales, in purported exercise of the powers conferred by section 18 of the ^{M2}Burial Act 1855 (maintenance of closed churchyard payable out of rates), issued a certificate with respect to a closed churchyard to a local authority, and that authority thereupon took over the maintenance of the churchyard, the authority's action shall be deemed to have been lawful for all purposes, and the authority for the time being responsible for the maintenance of the churchyard shall have the like duty with respect to its maintenance as a parochial church council elsewhere than the area subject to the ^{M3}Welsh Church Act 1914.
- (5) In subsection (1) above, “the area subject to the ^{M4}Welsh Church Act 1914” means the area in which the Church of England was disestablished by that Act.

Textual Amendments

- F1** Words in s. 215(2)(c) substituted (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 45(2)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**
- F2** Words in s. 215(3) substituted (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 45(3)(a)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**
- F3** Words in s. 215(3) substituted (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 45(3)(b)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

Marginal Citations

- M1** 1914 c. 91.
- M2** 1855 c. 128.
- M3** 1914 c. 91.
- M4** 1914 c. 91.

Changes to legislation:

Local Government Act 1972, Section 215 is up to date with all changes known to be in force on or before 19 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.

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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](#)