



Burial Act 1857

1857 CHAPTER 81 20 and 21 Vict

24 Trustees of closed cemeteries empowered, with sanction of Secretary of State, to let, lease, or sell portions thereof which have not received interments.

In all cases in which unconsecrated land or buildings is or are vested in trustee or trustees, either under any local Act or otherwise, for the purposes of a cemetery or burial ground, and burials in such cemetery or burial ground shall by Order in Council under the herein-before recited Acts or any of them have been ordered to be wholly or partially discontinued, it shall be lawful for the trustee or trustees for the time being of such cemetery or burial ground, from time to time, with the sanction of one of Her Majesty's Principal Secretaries of State to let, demise, or lease any part or parts, in which no interment shall have taken place, of such land or buildings, and to renew or accept surrenders of any leases or tenancies thereof, and to sell and absolutely dispose thereof for money in gross, or for any perpetual or other rent or rents to be made payable thereout, and by public auction or private contract, and to sell all or any such perpetual or other rent or rents for money in gross and in manner aforesaid, and for any of the purposes aforesaid to make and execute any contracts, conveyances, leases, or other assurances, and to take any measures and make any arrangements which may be deemed expedient; and upon any such lease or sale as aforesaid a grant or conveyance by such trustee or trustees alone shall be a sufficient assurance of the property thereby purported to be leased or sold, and the receipts of such trustee or trustees shall be effectual discharges for the monies therein expressed to have been received, and shall absolve any lessee or purchaser from having to see to or being answerable for the application of such monies; and the net monies to be received by such trustee or trustees under any of the preceding powers shall be applied by them in discharge of any incumbrances affecting such cemetery or burial ground, and any debts which such trustee or trustees may have properly incurred in their fiduciary capacity; and any residue of such monies shall, where such land or buildings shall have been held in trust for any parish, be applied in such manner, for the benefit of such parish, as the vestry of such parish shall direct; but where such land or buildings shall have been held in trust for the benefit of private persons, such residue shall be divided by such trustee or trustees rateably among the cestuisque trusts; and it shall be lawful for such trustee or trustees so to apply any reserved fund in his or their hands.

Changes to legislation: There are currently no known outstanding effects for the Burial Act 1857, Section 24. (See end of Document for details)

Modifications etc. (not altering text)

- C1** “the herein-before recited Acts” means the [Burial Act 1852 \(c. 85\)](#), the [Burial Act 1853 \(c. 134\)](#), the [Burial Act 1854 \(c. 87\)](#) and the [Burial Act 1855 \(c. 128\)](#)
- C2** Functions of vestry now exercisable by parochial church councils: [Parochial Church Councils \(Powers\) Measure 1921 \(No. 1\), s. 4\(1\)\(i\)](#) and [Parochial Church Councils \(Powers\) Measure 1956 \(No. 3\), s. 4\(2\)](#)

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