



Burial Act 1857

1857 CHAPTER 81

VII Provision for Transfer to a Burial Board of a Burial Ground provided under Church Building Acts.

Where a Burial Ground has been provided for any Parish under any of the Acts commonly referred to or known as the Church Building Acts, and the same has been consecrated, and any Money expended in providing such Burial Ground has been borrowed on the Security of the Church Hates, it shall be lawful for the Incumbent of the Parish, with the Consent of the Ordinary and the Burial Board of such Parish, or of any Borough or District in which such Parish is wholly or in part comprised, by Instrument in Writing under the Hands and Seals of such Incumbent and Ordinary, and under the Seal of the said Burial Board, to declare that, in consideration of the Payment of the Debt by the said Burial Board, or of such Sum as shall be mutually agreed upon, with the Consent of the Persons, signified in Writing under their Hands, to whom Two Thirds of such Debt is due, the said Burial Ground shall be vested in and be under the Care and Management of such Burial Board, and thereupon the same shall be vested in and be under the Care and Management of such Board, and shall be subject to the Provisions of the hereinbefore recited Acts and this Act applicable to a consecrated Burial Ground or the consecrated Part of any Burial Ground provided by any Burial Board; and any Money borrowed as aforesaid, and remaining owing, and the Interest due and to become due thereon, and all Costs and Expenses occasioned by the Nonpayment thereof, or incurred in providing such Burial Ground, and then remaining unpaid, shall be charged on and paid out of such Rates or Fund as under the said last-mentioned Acts and this Act would be chargeable with the Expense of providing a Burial Ground by such Board, and such Declaration as aforesaid shall be registered in the Registry of the Diocese; and such Board may, with the Approval of the Vestry, enlarge such Burial Ground, by the Addition of Ground to be used for Burials otherwise than according to the Rites of the Church of *England*, and to be used subject to the Provisions of the Acts herein recited and of this Act in respect to the unconsecrated Portions of Burial Grounds.