



Cemeteries Clauses Act 1847

1847 CHAPTER 65

Making of Cemetery

And with respect to the making of the Cemetery, be it enacted as follows:

VI Construction of Cemetery to be subject to the Provisions of this and the Lands Clauses Consolidation Act, 1845.

Where by the special Act the Company shall be empowered, for the Purpose of making the Cemetery, to take or use any Lands other-wise than with the Consent of the Owners and Occupiers thereof, they shall, in exercising the Power so given to them, be subject to the Provisions and Restrictions contained in this Act and the Lands Clauses Consolidation Act, 1845, and shall make to the Owners and Occupiers of and all other Parties interested in any Lands taken or used for the Purposes of the special Act, or injuriously affected by the Construction of the Works thereby authorized, full Compensation for the Value of the Lands so taken or used, and for all Damage sustained by such Owners, Occupiers, or other Parties, by reason of the Exercise, as regards such Lands, of the Powers vested in the Company by this or the special Act, or any Act incorporated therewith, and, except where otherwise provided by this or the special Act, the Amount of such Compensation shall be determined in the Manner provided by the Lands Clauses Consolidation Act, 1845, for determining Questions of Compensation with regard to Lands purchased or taken under the Provisions thereof, and all the Provisions of the last-mentioned Act shall be applicable to determine the Amount of such Compensation, and to enforce Payment or other Satisfaction thereof.

VII Errors and Omissions in Act or Schedule to be corrected by Justices, who shall certify the same. Certificate to be deposited.

If any Omission, Mis-statement, or wrong Description shall have been made of any; Lands,- or of the Owners, Lessees; or Occupiers of any Lands described in the special Act or the Schedule thereto, the Company, after giving Ten days Notice to the Owners of the Lands affected by such proposed Correction, may apply to Two Justices for the Correction thereof, and if it appear to such Justices that such Omission, Mis-statement, or wrong Description arose from Mistake, they shall certify the same accordingly, and shall in such Certificate state the Particulars of any such Omission,

Mis-statement, of wrong Description; and such Certificate shall be deposited with the Clerk of the Peace of the County in which the Lands affected thereby shall be situated, and thereupon the special Act or Schedule shall be deemed to be corrected according to such Certificate, and the Company may take the Lands according to such Certificate, as if such Omission, Mis-statement, of wrong Description had not been made.

VIII Copies of Plans, &c. to be Evidence.

Copies of any Alteration or Correction of the special Act, or the Schedule thereto, or of any Extract therefrom, certified by any such Clerk of the Peace in whose Custody such Alteration or Correction may be, which Certificate such Clerk of the Peace shall give to all Parties interested, when required, shall be received in all Courts of Justice or elsewhere as Evidence of the Contents thereof.

IX Company not to dispose of any Land consecrated or used for Burials.

The Company shall not sell or dispose of any Land which shall have been consecrated or used for the Burial of the Dead, or make use of such Land for any Purpose except such as shall be authorized by this or the special Act, or any Act incorporated therewith.

X Cemetery not to be within a certain Distance of Houses.

No Part of the Cemetery shall be constructed nearer to any Dwelling House than the prescribed Distance, or if no Distance be prescribed, Two hundred Yards, except with the Consent in Writing of the Owner, Lessee, and Occupier of such House.

XI Company may build Chapels, &c.

The Company upon any Land which by the special Act they are authorized to use for the Purposes of the Cemetery may build such Chapels for the Performance of the Burial Service as they think fit, and may lay out and embellish the Grounds of the Cemetery as they think fit.

XII Company may make or widen Roads to Cemetery.

The Company upon any Land purchased by them under this or the special Act, or any Act incorporated therewith, may make any new Roads to the Cemetery, or widen or improve any existing Roads thereto which they think fit.

XIII No Road to be widened without Consent.

Provided always, That the Company shall not widen or improve any existing Road without the Consent of the Owner thereof, if the Road be private, or if the Road be public, without the Consent of the Persons in whom the Management of the Road is vested by Law.

XIV Owners, &c. may enter into Agreements for improving , Roads for that Purpose.

The Company and the Owners or Persons having the Management of any such Road as aforesaid may enter into such Agreements as they think fit, for enabling the Company to widen or improve any such Road, and for maintaining the same.

XV Cemetery to be inclosed and Fenced.

Every Part of the Cemetery shall be inclosed by Walls or other sufficient Fences of the prescribed Materials and Dimensions, and if no Materials or Dimensions be prescribed by substantial Walls or Iron Railings of the Height of Eight Feet at least.

XVI Cemetery, &c. to be kept in repair.

The Company shall keep the Cemetery and the Buildings and Fences thereof in complete Repair, and in good Order and Condition, out of the Monies to be received by them by virtue of this and the special Act.

XVII Company to make Compensation for Damages done.

Provided always, That in the Exercise of the Powers by this and the special Act granted to the Company they shall do as little Damage as can be, and shall make full Compensation to all Parties interested for all Damage sustained by them through the Exercise of such Powers.