



Burial Act 1855

1855 CHAPTER 128 18 and 19 Vict

An Act further to amend the Laws concerning the Burial of the Dead in England. [14th August 1855]

Modifications etc. (not altering text)

- C1 Short title given by [Short Titles Act 1896 \(c. 14\)](#)
- C2 Preamble omitted under authority of [Statute Law Revision Act 1892 \(c. 19\)](#)
Act: powers transferred (1.7.1999) by virtue of [S.I. 1999/672, art. 2, Sch.1](#)

1 Orders in Council under the recited Acts may be varied by like orders.

It shall be lawful for Her Majesty, by and with the advice of her Privy Council, from time to time to postpone the time appointed by any Order in Council for the discontinuance of burials, or otherwise to vary any Order in Council made under any of the said recited Acts or this Act, (whether the time thereby appointed for the discontinuance of burials thereunder or other operation of such order shall or shall not have arrived,) as to Her Majesty, with such advice as aforesaid, may seem fit;^{F1}

Textual Amendments

- F1 Words repealed by [Statute Law Revision Act 1892 \(c. 19\)](#)

Modifications etc. (not altering text)

- C3 S. 1 saved by [Local Government Act 1972 \(c. 70\)](#), [Sch. 26 para. 15](#) “the said recited Acts” means the [Burial Act 1852 \(c. 85\)](#), the [Burial Act 1853 \(c. 134\)](#) and the [Burial Act 1854 \(c. 87\)](#)

2 Penalty on persons burying contrary to the provisions of Orders in Council.

If any person, after the time mentioned in any Order in Council under the said Acts or any of them, or this Act, for the discontinuance of burials, shall knowingly and wilfully bury any body or in anywise act or assist in the burial of any body in any church, chapel, churchyard, burial ground, or place of burial, or (as the case may be) within

Changes to legislation: There are currently no known outstanding effects for the Burial Act 1855. (See end of Document for details)

the limits in which burials have by such Orders been ordered to be discontinued, in violation of the provisions of any such Order, every person so offending shall, upon summary conviction before two justices of the peace, forfeit a sum not exceeding [^{F2}ten pounds.][^{F2}level 1 on the standard scale]

Textual Amendments
F2 “level 1 on the standard scale” substituted for “ten pounds” by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [s. 46](#)

3—7 ^{F3}

Textual Amendments
F3 [Ss. 3-7](#) repealed by [Local Government Act 1972 \(c. 70\)](#), [Sch. 30](#)

8 Secretary of State may direct inspection of burial grounds, Penalty for obstructing inspector or violating regulations.

It shall be lawful for one of Her Majesty’s Principal Secretaries of State from time to time to appoint and authorize any person to inspect any burial ground or cemetery, parochial or non-parochial, or place for the reception of bodies, to ascertain the state and condition thereof, and where regulations in relation thereto have been made or may be made by the Secretary of State under the said Acts or any of them, to ascertain whether such regulations have been observed and complied with; and if any person having the care of any such burial ground or cemetery or other place shall obstruct any person so authorized to inspect the same, or if any person having the care of any burial ground or place for the reception of bodies subject to such regulations as aforesaid shall violate or neglect or fail to observe and comply with any such regulation, or any regulation imposed by this Act, every person so offending shall upon summary conviction thereof before two justices forfeit and pay a sum not exceeding [^{F4}ten pounds.][^{F4}level 1 on the standard scale]

Textual Amendments
F4 “level 1 on the standard scale” substituted for “ten pounds” by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [s. 46](#)

9 ^{F5}

Textual Amendments
F5 [S. 9](#) repealed by [Local Government Act 1972 \(c. 70\)](#), [Sch. 30](#)

10 ^{F6}

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Textual Amendments

F6 S. 10 repealed by [Burial Act 1900 \(c. 15\)](#), **Sch. 2**

11—17 **F7**

Textual Amendments

F7 Ss. 11-17 repealed by [Local Government Act 1972 \(c. 70\)](#), **Sch. 30**

^{X1}18 **Burial board to keep in order closed burial grounds, &c.**

In every case in which any Order in Council has been or shall hereafter be issued for the discontinuance of burials in any churchyard or burial ground, the burial board or churchwardens, as the case may be, shall maintain such churchyard or burial ground of any parish in decent order, and also do the necessary repair of the walls and other fences thereof; and the costs and expenses shall be repaid by the overseers, upon the certificate of the ^{F8} churchwardens, ^{F8}, out of the rate made for the relief of the poor of the parish or place in which such churchyard ^{F8} is situate, unless there shall be some other fund legally chargeable with such costs and expenses.

Editorial Information

X1 S. 18 repealed except as to City of London by [Local Government Act 1972 \(c. 70\)](#), **Sch. 30**

Textual Amendments

F8 Words repealed by [London Government Act 1963 \(c. 33\)](#), **Sch. 18 Pt. II**

Modifications etc. (not altering text)

C4 Functions of burial boards now exercisable by Common Council of City of London: [London Government Act 1963 \(c. 33\)](#), **s. 44(4)(b)**

C5 Functions of churchwardens now exercisable by parochial church councils: [Parochial Church Councils \(Powers\) Measure 1956 \(No. 3\)](#), **s. 4(1)(ii)(c)**

19— **F9**
21.

Textual Amendments

F9 Ss. 19-21 repealed by [Local Government Act 1972 \(c. 70\)](#), **Sch. 30**

Changes to legislation:

There are currently no known outstanding effects for the Burial Act 1855.