

ELIZABETH II



1963 CHAPTER viii

An Act to provide for the removal of restrictions attaching to the Beechen Grove Chapel Burial Ground in the borough of Watford; to authorise the use of the said burial ground for building or otherwise; and for other purposes. [15th May 1963]

WHEREAS—

(1) The burial ground at Beechen Grove in the borough of Watford (hereinafter referred to as “the borough”) was vested in the trustees of the charity known as Beechen Grove Sunday School and Burial Ground in the parish of Watford in the county of Hertford by virtue of an order made by the Board of Charity Commissioners for England and Wales on the twelfth day of July eighteen hundred and seventy-eight:

(2) Burials in the said burial ground were discontinued pursuant to divers Orders in Council of Her late Majesty Queen Victoria:

(3) By an order of the Charity Commissioners for England and Wales dated the twenty-eighth day of November nineteen hundred and sixty-two the trustees of the said charity were authorised to sell the said burial ground to the mayor, aldermen and burgesses of the borough and such sale was duly completed on the twenty-third day of April nineteen hundred and sixty-three:

(4) It is expedient that the said burial ground should be used for building, street widening or improvement or for other purposes and freed from all restrictions which may affect the said burial ground by reason of the same being a disused burial ground:

(5) It is expedient that such provisions as are contained in this Act with respect to the removal from the said burial ground of human remains interred therein should be enacted:

(6) It is expedient that the other provisions contained in this Act should be enacted:

(7) A plan showing the said burial ground was in November nineteen hundred and sixty-two deposited in the office of the Clerk of the Parliaments and a copy thereof was deposited in the Private Bill Office of the House of Commons and with the town clerk of the borough:

(8) The purposes of this Act cannot be effected without the authority of Parliament:

(9) In relation to the promotion of the Bill for this Act the requirements of Part XIII of the Local Government Act, 1933, c. 51. have been observed.

May it therefore please Your Majesty that it may be enacted, and be it enacted, by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows, that is to say:—

Short title.

1. This Act may be cited as the *Watford Corporation Act 1963*.

Interpretation.

2.—(1) In this Act unless the subject or context otherwise requires—

“the borough” means the borough of Watford;

“the burial ground” means the burial ground in Beechen Grove in the borough shown coloured pink on the deposited plan, comprising nine hundred and fifteen square yards or thereabouts and includes the Sunday school building erected thereon;

“the Corporation” means the mayor, aldermen and burgesses of the borough;

“the deposited plan” means the plan referred to in the preamble to this Act;

10 & 11 Eliz. 2
c.38.

“enactment” has the same meaning as in the *Town and Country Planning Act, 1962*;

“the owner” means the person in whom the burial ground is for the time being vested.

(2) A document purporting to be certified by the town clerk of the borough to be a copy of the deposited plan or of any part thereof shall be receivable in evidence and shall be deemed, unless the contrary is shown, to be such a copy.

(3) Except where the context otherwise requires, any reference in this Act to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment including this Act.

3. As from the passing of this Act the burial ground shall be freed and discharged from all rights and interests of any person who is a personal representative or relative of any deceased person whose remains are interred in the burial ground and from all other trusts, uses, obligations, disabilities and restrictions whatsoever which attached thereto immediately before the passing of this Act by reason of the burial ground or any part thereof being a disused burial ground or otherwise.

Discharge of trusts and restrictions affecting burial ground.

4. Notwithstanding anything contained in any enactment, but subject to the provisions of this Act, it shall be lawful at any time after the passing of this Act to use, deal with or dispose of the burial ground or any part thereof for—

Power to use burial ground for building or other purposes.

- (1) the purpose of erecting any building thereon or thereunder;
- (2) the purpose of widening or improving any street;
- (3) any other purpose; or
- (4) any two or more of those purposes;

in like manner as if no part thereof had ever been used or set apart for the purpose of burial of human remains.

5.—(1) Before any part of the burial ground is used for—

Removal of human remains from burial ground.

- (a) the erection thereon or thereunder of any building;
- (b) the widening or improvement of any street; or
- (c) any other purpose than as a burial ground;

the owner shall remove or cause to be removed therefrom the remains of all deceased persons interred therein:

Provided that if it appears to the Secretary of State that compliance with any of the requirements of this subsection is in all the circumstances unnecessary in relation to all or any of the remains, he may dispense (on such conditions, if any, as he thinks fit) with compliance with those requirements in relation to those remains.

(2) (a) Before proceeding to remove any such remains the owner shall give notice of his intention so to do by publishing a

notice in manner provided in paragraph (b) of this subsection in at least two local newspapers circulating in the borough, and shall display a like notice in a conspicuous place in the burial ground and such notice shall have embodied in it the substance of subsections (3), (4), (5), (6), (7), (8) and (9) of this section.

(b) The notice referred to in paragraph (a) of this subsection shall be published in each of four successive weeks by publication in at least one newspaper in the first and third of those weeks and in at least one other newspaper in the second and fourth of those weeks.

(3) At any time within two months after the first publication of such notice, any person who is a personal representative or relative of any deceased person whose remains are interred in the burial ground may give notice in writing to the owner of his intention to undertake the removal of such remains and thereupon he shall be at liberty, within two months from the date of such last-mentioned notice, to cause such remains to be removed to and reinterred in any other burial ground or cemetery in which burials may legally take place (but in the case of a churchyard only with the consent of the incumbent of the benefice concerned) or to be removed to and cremated in any crematorium.

(4) If any person giving such notice as aforesaid fails to satisfy the owner that he is such personal representative or relative as he claims to be, the question shall be determined on the application of either party in a summary manner by the Watford County Court, who shall have power to make an order specifying who shall remove the remains and as to the payment of the costs of the application.

(5) The expenses of a removal and reinterment or cremation (not exceeding in respect of remains removed from any one grave the sum of twenty-five pounds) shall be defrayed by the owner, such sum to be apportioned, if necessary, equally according to the number of deceased persons whose remains are in the grave.

(6) If within the aforesaid period of two months no such notice as aforesaid shall have been given to the owner in respect of the remains in any grave, or if after such notice has been given the person giving it or, as the case may be, the person specified in any order made under subsection (4) of this section fails to comply with a provision of this section, the owner may remove the remains of the deceased person and cause them to be reinterred in such other burial ground or cemetery in which burials may legally take place or cremated in such crematorium as the owner thinks suitable for the purpose but, in the case of interment in a churchyard, the previous consent of the incumbent of the benefice concerned shall be required.

(7) Upon any removal of remains from any part of the burial ground, the owner shall deposit with the Registrar-General a certificate of removal and reinterment or cremation giving the dates of removal and reinterment or cremation respectively, identifying the place from which the remains were removed and the place in which they were reinterred or cremated and showing the particulars of each removal separately.

(8) Any tombstone relating to the remains of any deceased person removed under this section shall, at the expense of the owner, be removed and re-erected—

- (a) at the place of reinterment of such remains;
- (b) at or in the vicinity of Beechen Grove Baptist Church in the borough; or
- (c) at such place as the said county court may direct on the application (if any) of such personal representative or relative as aforesaid or failing such application on the application of the owner;

and the owner shall cause a record to be made of each tombstone taken from the burial ground under this section containing—

- (i) a copy of the inscription on it; and
- (ii) if it is intended to preserve the tombstone a statement naming the place to which it has been taken;

and shall deposit a copy of the record with the Registrar-General:

Provided that in the case of a tombstone in respect of which no application is made by such personal representative or relative as aforesaid it shall not be necessary to re-erect the tombstone if the owner considers that, by reason of its ruinous condition, it is unsuitable for re-erection and any such tombstone may be disposed of in such manner as the owner may direct.

(9) The removal of the remains of any deceased person under this section shall be carried out under the supervision and to the satisfaction of the medical officer of health of the borough.

6. The provisions of the Town and Country Planning Act, 1962, and any restrictions or powers thereby imposed or conferred in relation to land shall apply and may be exercised in relation to any land notwithstanding that the development thereof is or may be authorised or regulated by or under this Act. Saving for town and country planning.

7.—(1) The costs, charges and expenses preliminary to and of and incidental to the preparing, applying for, obtaining and passing of this Act shall be paid by the Corporation. Costs of Act.

(2) The Corporation shall have power without the consent of any sanctioning authority to borrow the sum requisite for the payment of the said costs, charges and expenses and shall repay

all moneys so borrowed within such period as the Corporation may determine not exceeding five years from the date of borrowing.

(3) The provisions of Part IX of the Local Government Act, 1933, so far as they are not inconsistent with this Act shall extend and apply to money borrowed under this section as if it were borrowed under the said Part IX and the period fixed under this section for the repayment of the money borrowed shall as respects that money be the fixed period for the purpose of the said Part IX.



PRINTED BY THE SOLICITORS' LAW STATIONERY SOCIETY, LTD., FOR
PERCY FAULKNER, C.B.

Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament

LONDON: PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE

Price 8d. net

PRINTED IN ENGLAND



Watford Corporation Act 1963

CHAPTER viii

ARRANGEMENT OF SECTIONS

Section

1. Short title.
2. Interpretation.
3. Discharge of trusts and restrictions affecting burial ground.
4. Power to use burial ground for building or other purposes.
5. Removal of human remains from burial ground.
6. Saving for town and country planning.
7. Costs of Act.