



# London Government Act 1963

## 1963 CHAPTER 33

### PART VI

#### APPLICATION OF PUBLIC HEALTH ACTS AND RELATED ACTS

#### **44 Cemeteries and crematoria**

- (1) The council of a London borough shall as respects the borough and the Common Council shall as respects the City be the local authority for the purposes of the Public Health (Interments) Act 1879 and the Cremation Acts 1902 and 1952, and—
  - (a) the powers conferred by the Burial Acts 1852 to 1906 to provide burial grounds shall not be exercisable by the council of any London borough or the Common Council; and
  - (b) any burial board constituted for an area wholly within Greater London shall cease to exist on 1st April 1965.
- (2) No new cemetery shall be provided in Greater London without the previous approval of the Minister.
- (3) Subsection (1) of this section shall not affect the power to make an Order in Council under section 1 of the Burial Act 1853 or section 1 of the Burial Act 1855 with respect to the discontinuance of burials; and—
  - (a) the power to make any such Order shall, notwithstanding anything in section 5 of the said Act of 1853 (which precludes the exercise of that power in the case of cemeteries provided under any Act of Parliament or with the approval of the Minister), be exercisable in relation to all cemeteries provided in or for an area in Greater London, whether provided by virtue of the Public Health (Interments) Act 1879 or otherwise; and
  - (b) section 51 of the Burial Act 1852 shall apply to cemeteries in which burials are discontinued by virtue of this subsection as it applies to burial grounds in which interments are discontinued under that Act:

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*Status: This is the original version (as it was originally enacted).*

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Provided that nothing in any such Order shall prevent the interment of the body of any person in the cathedral church of St. Paul's, London, or in the collegiate church of St. Peter's, Westminster, if Her Majesty signifies Her pleasure that the body be so interred.

- (4) In the Burial Acts 1852 to 1906 any reference to the Metropolis shall be construed as a reference to Greater London ; and in those Acts in their application to Greater London—
- (a) any reference to a parish (not being a reference which is to be taken as a reference to an ecclesiastical parish) shall, without prejudice to section 68 (5) of the Rating and Valuation Act 1925, as amended by paragraph 13 of Schedule 15 to this Act, be construed as a reference to a London borough or the City, as the case may be ; and
  - (b) any reference to a burial board shall be construed as a reference to the council of a London borough or the Common Council, as the case may be.
- (5) Notwithstanding anything in section 7 of the Burial Act 1900 and without prejudice to section 3 of the Public Health (Interments) Act 1879, the provisions of sections 27 to 31 of the Cemeteries Clauses Act 1847 shall, so far as applicable, continue to apply to the City of London Cemetery, but the foregoing provisions of this subsection shall not affect the right of the incumbent of any ecclesiastical parish in the City to perform funeral services in respect of his own parishioners.
- (6) The provision made by an order under section 84 of this Act may include provision that a burial ground provided under the Burial Acts 1852 to 1906 for any area the whole or part of which is included in a London borough, or a cemetery provided by virtue of the said Act of 1879 for any such area, shall be treated as if it were provided for the whole of that borough or, if the area is included partly in one and partly in another borough, as if it were provided for the whole of one or both of those boroughs.
- (7) In this section " cemetery" includes a burial ground' or any other place for the interment of the dead.