



# Parish Councils and Burial Authorities (Miscellaneous Provisions) Act 1970

## 1970 CHAPTER 29

An Act to amend the law relating to the provision by parish councils of signs and the administration of burial grounds by burial authorities, and for matters connected therewith. [29th May 1970]

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:—

### **1 Maintenance of private graves.**

- (1) A burial authority or a local authority may agree with any person in consideration of the payment of a sum by him, to maintain—
  - (a) a grave, vault, tombstone, or other memorial in a burial ground or crematorium provided or maintained by the authority;
  - (b) a monument or other memorial to any person situated in any place within the area of the authority to which the authority have a right of access;

so, however, that no agreement or, as the case may be, none of the agreements made under this subsection by any authority with respect to a particular grave, vault, tombstone, monument or other memorial may impose on the authority an obligation with respect to maintenance for a period exceeding 99 years from the date of that agreement.

- (2) On the transfer of a burial ground or crematorium or of responsibility for the maintenance of a burial ground to a burial authority or local authority, any person who was responsible before the transfer for the maintenance of the burial ground or crematorium may transfer to the authority any assets held by him for the general purpose of the maintenance of the burial ground or crematorium, other than any such assets the devolution of which is affected by any condition of a trust, being a condition relating to the maintenance of a particular grave, vault, tombstone or other memorial.

- (3) If assets are transferred to an authority by any person under subsection (2) of this section, any agreement binding on that person and made with a third party for the maintenance of any grave, vault, tombstone or other memorial in the burial ground or crematorium to which those assets relate shall also be binding on the authority.
- (4) In this section, the expression " local authority " shall be construed as if contained in the Local Government Act 1933, but it shall also be deemed, for the purposes of this section, to include the Council of the Isles of Scilly.

## **2 Form of grants.**

Where a burial authority has power under any enactment (whether local or general) to grant, with respect to a burial ground, any right relating to burial, the construction and use of a vault or other place of burial, or the placing of any tombstone or other memorial therein, that right may be granted under the hand of the town clerk, clerk, or other authorised officer of the burial authority.

## **3 Signs etc.**

- (1) In this section references to " highway authority ", " traffic sign ", " road ", " public service vehicles ", " footpaths " and " bridleway " shall be construed in like manner as if they were contained in the Road Traffic Regulation Act 1967, and section 67 of that Act shall have effect in relation to references in this section to a highway authority as it has effect in relation to references thereto in sections 55, 56, 56A, 61, 62 and 63 of that Act.
- (2) A parish council may with the permission of the highway authority and subject to any conditions imposed by that authority provide on or near any road (other than a footpath or bridleway), or may contribute either wholly or in part towards the cost of providing on or near any road (other than a footpath or bridleway), traffic signs indicating—
  - (a) a stopping place for public service vehicles;
  - (b) a warning of the existence of any danger; or
  - (c) the name of the parish or of any place therein.
- (3) A parish council may provide or contribute either wholly or in part towards the cost of providing, on or near any footpath or bridleway, any object or device, not being a traffic sign, for conveying to users of that footpath or bridleway warnings of the existence of danger.
- (4) No traffic sign, object or device provided by a parish council in pursuance of this section shall be placed on any land (not being a road or part thereof) without the consent of the owner and occupier thereof.
- (5) Nothing in this section shall prejudice the exercise by the highway authority or the appropriate Minister of their powers under section 61 of the Road Traffic Regulation Act 1967 (removal of traffic signs, etc.), but in the case of any such object or device as is mentioned in subsection (1) of that section, being such an object or device provided by a parish council in pursuance of this section on land which the council neither owns nor occupies, the powers conferred on the highway authority by the said subsection (1) shall be exercisable in relation to the parish council instead of in relation to the owner or occupier of the land ; but, for the purpose of complying with a notice under that subsection which, by virtue of this subsection, requires a parish council to remove any

such object or device, the council may enter any land and exercise such other powers as may be necessary for that purpose.

- (6) A parish council may warn the public of any danger in or apprehended in their area, subject, however, in the case of a warning given by providing any traffic sign, object or device, to the provisions of subsections (2) to (4) of this section.

#### **4 Power to amend local Acts.**

Subsections (1), (2), (4) and (5) of section 82 of the Public Health Act 1961 shall apply for the purpose of conferring power on the Minister of Housing and Local Government to repeal or amend any such provision as is mentioned in subsection (1) of that section, being a provision appearing to him to be inconsistent with, or unnecessary in consequence of, any provision of this Act, as if references in those subsections to that Act were references to this Act.

#### **5 Interpretation.**

- (1) In this Act references to a parish council shall be construed as including references to the council or corporation of a borough included in a rural district.
- (2) In this Act "burial authority" means any body or authority exercising powers under the Burial Acts 1852 to 1906, the Public Health (Interments) Act 1879, the Cremation Acts 1902 and 1952, or any local Act relating to the provision or maintenance of a burial ground, and "burial ground" has the same meaning as in the Open Spaces Act 1906.

#### **6 Expenses.**

Any increase attributable to the provisions of this Act in the sums payable out of moneys provided by Parliament by way of rate support grant under the enactments relating to local government in England and Wales shall be paid out of moneys so provided.

#### **7 Short title and extent.**

- (1) This Act may be cited as the Parish Councils and Burial Authorities (Miscellaneous Provisions) Act 1970.
- (2) This Act shall not apply to Scotland or Northern Ireland.