



# Open Spaces Act 1906

## 1906 CHAPTER 25

### *POWERS OF LOCAL AUTHORITIES WITH RESPECT TO OPEN SPACES AND BURIAL GROUNDS.*

#### **11 Special provisions as to management of burial grounds and removal of tombstones**

- (1) A local authority shall not exercise any of the powers of management under this Act with reference to any consecrated burial ground unless and until they are authorised so to do by the licence or faculty of the bishop.
- (2) The playing of any games or sports shall not be allowed in any burial ground in or over which a local authority have acquired any estate, interest, or control under this Act, except that—
  - (a) in the case of a consecrated burial ground, the bishop by licence or faculty ; and
  - (b) in the case of any burial ground which is not consecrated, the persons from whom the local authority have acquired the estate, interest, or control in or over the samemay expressly sanction any such use of the burial ground, and may specify any conditions as to the extent or nature of such use.
- (3) In the case of any disused burial ground, at least three months before removing or changing the position of any tombstone or monument, a local authority shall—
  - (a) prepare a statement sufficiently describing by the name and date appearing thereon the tombstones and monuments standing or being in the ground, and such other particulars as may be necessary, and shall cause this statement to be deposited with the clerk of the local authority, and to be open to inspection by all persons ; and
  - (b) insert an advertisement of the intention to remove or change the position of such tombstones and monuments three times at least in some newspaper circulating in the neighbourhood, and by that advertisement give notice of the deposit of the statement herein-before described, and of the place at which and the hours within which the same may be inspected ; and

---

*Status: This is the original version (as it was originally enacted).*

---

- (c) place a notice in terms similar to the advertisement on the door of the church (if any) to which the burial ground is attached, and deliver or send by post a notice to any person known or believed by the local authority to be a near relative of any person whose death is recorded on any such tombstone or monument.
- (4) In the case of a consecrated ground, no tombstone or monument shall be removed or its position changed without a licence or faculty from the bishop, and no application for such licence or faculty shall be made until the expiration of one month at least after the appearance of the last of such advertisements as aforesaid:

Provided that on an application for a licence or faculty nothing shall prevent the bishop from directing or sanctioning the removal or change of position of any tombstone or monument, if he is of opinion that reasonable steps have been taken to bring the intention to effect such removal or change of position to the notice of some person having a family interest in the tombstone or monument.

- (5) A licence or faculty for the purposes of this section may be granted by the bishop of the diocese within which the consecrated burial ground is situate on the application of the local authority who have acquired any estate, interest, or control in or over the burial ground, and may be granted subject to such conditions and restrictions as to the bishop may seem fit.