



# Cemeteries Clauses Act 1847

1847 CHAPTER 65 10 and 11 Vict

## *Prevention of nuisances*

And with respect to preventing nuisance from the cemetery, be it enacted as follows:

**18 Power to make sewers, drains, &c. in and about the cemetery.**

The company shall make all necessary and proper sewers and drains in and about the cemetery, for draining and keeping the same dry, and they may from time to time, as occasion requires, cause any such sewer or drain to open into any existing sewer, with the consent in writing of the persons having the management of such sewer, and with the consent in writing of the persons having the management of the street or road, and of the owners and occupiers of the lands through which such opening is made, doing as little damage as possible to the road or ground wherein such sewer or drain may be made, and restoring it to the same or as good condition as it was in before being disturbed.

**19 Certain provisions of Waterworks Clauses Act 1847, incorporated with this Act.**

When any street or road or sewer shall be opened with such consent as aforesaid, the clauses of the [<sup>F1</sup>Water Act 1945] with respect to breaking up streets for the purpose of laying pipes, so far as the same are consistent with this Act and applicable thereto, shall be incorporated with this Act, and shall apply to the company, and to any ground broken by them for making any such sewer or drain as aforesaid to open into any existing sewer.

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**Textual Amendments**

**F1** Words substituted by virtue of [Interpretation Act 1889 \(c. 63\), s. 38\(1\)](#)

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**Marginal Citations**

**M1** [1945 c. 42.](#)

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*Changes to legislation: There are currently no known outstanding effects for the Cemeteries Clauses Act 1847, Cross Heading: Prevention of nuisances. (See end of Document for details)*

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**20 Penalty for allowing water to be fouled.**

If the company at any time cause or suffer to be brought or to flow into any stream, canal, reservoir, aqueduct, pond, or watering place, any offensive matter from the cemetery, whereby the water therein shall be fouled, they shall forfeit for every such offence the sum of fifty pounds.

**21 Penalty to be sued for within six months.**

The said penalty, with full costs of suit, may be recovered by any person having right to use the water fouled by such offensive matter, in any of the superior courts, by action of debt or on the case: Provided always, that the said penalty shall not be recoverable unless the same be sued for during the continuance of the offence, or within six months after it has ceased.

**22 In addition penalty of 50 l., a daily penalty during the continuance of the offence.**

In addition to the said penalty of fifty pounds, (and whether such penalty is recovered or not,) any person having right to use the water fouled by such offensive matter may sue the company, in an action on the case, in any court of competent jurisdiction, for any damage specially sustained by him by reason of the water being so fouled; or if no special damage be alleged, for the sum of ten pounds for each day during which such offensive matter is brought or flows as aforesaid after the expiration of twenty-four hours from the time when notice of the offence is served on the company by such person.

**Changes to legislation:**

There are currently no known outstanding effects for the Cemeteries Clauses Act 1847, Cross  
Heading: Prevention of nuisances.