
STATUTORY INSTRUMENTS

1977 No. 204

The Local Authorities' Cemeteries Order 1977

Interpretation

2.—(1) The Interpretation Act 1889 shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

(2) In this order, unless the context otherwise requires—

“the Act” means the Local Government Act 1972;

“bishop” means, in relation to any ecclesiastical district or place not subject to the jurisdiction of a bishop, the authority known to the law of the Church of England as “the ordinary”;

“burial” includes—>

- (a) the interment of cremated human remains;
- (b) the interment of the bodies of still-born children or of the cremated remains thereof; and
- (c) the placing in a vault of human remains, cremated human remains, or the bodies of still-born children or the cremated remains thereof;

“burial authority” means the council of a district, London borough, parish, or community, the Common Council of the City of London, the parish meeting of a parish having no parish council, whether separate or common, or a joint board established under section 6 of the Public Health Act 1936 or by or under any local Act for the provision and maintenance of cemeteries;

“cemetery” means a cemetery provided and maintained by a burial authority;

“consecration” means consecration according to the rites of the Church of England, and cognate expressions shall be construed accordingly;

“grave” includes a walled grave, but subject to the provision of article 16(2) does not include a vault;

“the order of 1974” means the Local Authorities' Cemeteries Order 1974(1);

“the specified circumstances”, in respect of any owner or person, are where— any communication addressed to him at his last recorded address has been returned to the burial authority (whether as such or otherwise) as undeliverable; or his last recorded address is that of premises which no longer exist;

“tombstone” includes kerbs;

“vault” means a chamber provided for the reception of human remains or cremated human remains, together with the access thereto;

“walled grave” means a grave the sides of which are lined with walls; and

“the Welsh Church Act” means the Welsh Church Act 1914, and “the area subject to the Welsh Church Act” means the area in which the Church of England was disestablished by that Act.

(3) Any reference in this order to a chapel provided as mentioned in article 6(1)(b) includes a reference to any chapel provided under section 2(2) or (3) of the Burial Act 1900 or article 6(1)(b) of the order of 1974.

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(4) For the purposes of this order, subject to the provisions thereof, any power or right to provide anything includes a power or right to maintain it.

(5) Any reference in this order to a right to place and maintain a tombstone or other memorial includes a reference to a right to place a tombstone or other memorial.

(6) Any reference in any provision of this order other than paragraph 5, 11 or 14 of Schedule 3 (as to which provision is made in paragraph 19 of that Schedule) to a right described in article 10(1)(a)(i) or (ii) includes a reference to any right granted under sub-paragraph (a) of article 9(1) of the order of 1974 or any enactment replaced by that sub-paragraph, and the reference in article 10(1)(c) to a right described in (a)(i) includes a reference to any similar right so granted.

(7) For the purposes of this order any railings surrounding a grave, vault, tombstone or other memorial shall be treated as forming part thereof.

(8) In this order, unless the context otherwise requires, references to any enactment shall be construed as references to that enactment as amended, extended or applied by or under any other enactment or by this order.

(9) Any reference in this order to a numbered article or Schedule shall, unless the reference is to an article or Schedule of a specified order, be construed as a reference to the article or Schedule bearing that number in this order.

(10) Any reference in any article, Schedule or Part of a Schedule of this order to a numbered paragraph shall, unless the reference is to a paragraph of a specified article, Schedule or Part of a Schedule, be construed as a reference to the paragraph bearing that number in the first-mentioned article, Schedule or Part of a Schedule.