

2007 No. 2373

BURIAL, ENGLAND AND WALES

The Arnos Vale Cemetery, Bristol (Burial Records) Order 2007

Made - - - - *8th August 2007*

Laid before Parliament *10th August 2007*

Coming into force - - *3rd September 2007*

The Secretary of State, in exercise of the powers conferred by section 254 of the Local Government Act 1972(a), makes the following Order:

Citation and commencement

1.—(1) This Order may be cited as the Arnos Vale Cemetery, Bristol (Burial Records) Order 2007.

(2) This Order comes into force on 3rd September 2007.

Interpretation

2. In this Order—

(1) “the 1837 Act” means the Bristol Cemetery Act 1837(b);

(2) “the Bristol Cemetery Acts” means the Bristol Cemetery Acts 1837 to 1926(c);

(3) “burial record” means any record specified in the Schedule to this Order or any facsimile (in any form) of such a record;

(4) “the Company” means the Bristol General Cemetery Company established by the Bristol Cemetery Acts and includes any of the Company’s officers and the Company’s Clerk and Chaplain;

(5) “the Council” means Bristol City Council as defined by the Avon (Structural Change) Order 1995(d).

Transfer of property in the burial records to the Council

3. On 3rd September 2007, all property in the burial records is transferred from the Company to the Council.

(a) 1972, c. 70.

(b) 1837, c.cxxx.

(c) 1837, c. cxxx; 1880, c.lxxix; 1891, c.xi; 1926, c.vi.

(d) S.I. 1995/493.

Delivery up of burial records to the Council

4.—(1) Within the period of 12 months beginning with 3rd September 2007 (“the request period”), the Council may require the Company to deliver to the Council such burial records as it may specify.

(2) A request made under paragraph (1) must be made in writing.

(3) Where a burial record so requested is neither in the custody of the Company nor reasonably capable of being obtained by the Company, the Company shall give the Council such information as it has about the location of the records.

(4) The Company shall comply with any request made under this article within 3 months of the date on which the request was made.

(5) Where a burial record so requested is in the custody of the Company, the Company shall keep the burial record, or arrange for the burial record to be kept, safe and in good condition pending delivery of it to the Council.

(6) The Council may not make any request under paragraph (1) after the expiration of the request period.

Transitional provision

5.—(1) This article applies where any person other than the Council has made a request to the Company—

- (a) for permission to inspect a burial record;
- (b) that the Company make an entry in, or copy of, an extract from a burial record; or
- (c) that the Company make a search of the burial records,

and the request has not been finally dealt with before 3rd September 2007.

(2) The Company shall take no action, or no further action, in relation to such a request and shall send a copy of the request to the Council forthwith.

(3) This Order shall not affect liability for any breach of any agreement relating to the burial records made between the Council and the Company before 3rd September 2007.

Repeals

6. Sections 29, 38, 40, 43 and 45 of the 1837 Act are repealed.

8th August 2007

Bridget Prentice
Parliamentary Under-Secretary of State
Ministry of Justice

SCHEDULE

Table 1

Burial Records

<i>Section of the 1837 Act</i>	Description of record
29	Books containing entries with name of deceased, name of relevant parish and mode and date of interment
38	Books containing entries of any grant or assignment of exclusive burial rights
40	Records of derivative assignments
43	Plans of the cemetery and books of numbered places of burial
45	Register books of burial

EXPLANATORY NOTE

(This note is not part of the Order)

This Order transfers from the Bristol General Cemetery Company to the Bristol City Council the legal and beneficial ownership of burial records of the Arnos Vale Cemetery, Bristol. It also enables the Council to obtain physical possession of burial records which are not already in its custody.

£3.00

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E1244 8/2007 171244T 19585