

*Changes to legislation: Local Government Act 1972, Cross Heading: Saving, amendments and modifications of enactments is up to date with all changes known to be in force on or before 24 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

## SCHEDULES

### SCHEDULE 26 **E+W**

#### CEMETERIES AND CREMATORIA

##### *Saving, amendments and modifications of enactments*

- 15 Section 214(1) above shall not affect the power to make an Order in Council under section 1 of the <sup>M1</sup>Burial Act 1853 or section 2 of the <sup>M2</sup>Burial Act 1855 with respect to the discontinuance of burials; and—
- (a) the power to make such an Order shall, notwithstanding anything in section 5 of the said Act of 1853 (which precludes the exercise of that power in the case of cemeteries provided under any Act of Parliament or with the approval of the Secretary of State) be exercisable in relation to all cemeteries provided under section 214 above or in Greater London provided otherwise; and
- (b) section 51 of the <sup>M3</sup>Burial Act 1852 shall apply to cemeteries in which burials are discontinued by virtue of this paragraph as it applies to burial grounds in which interments are discontinued under that Act;
- but nothing in any such Order shall prevent the interment of the body of any person in the Cathedral Church of St. Paul, London, or in the Collegiate Church of St. Peter, Westminster, if Her Majesty signifies Her approval that the body be so interred.

#### Marginal Citations

- M1** 1853 c. 134.  
**M2** 1855 c. 128.  
**M3** 1852 c. 85.

- <sup>X1</sup>16 In section 1 of the <sup>M4</sup>Burial Act 1859, for the word “churchwardens”, in the first place where it occurs, there shall be substituted the words “burial authority”, for the words from “church wardens” in the second place where it occurs to “situate” there shall be substituted the words “council of the district or London borough or the Common Council of the City of London, as the case may be” and for the word “churchwardens”, wherever it subsequently occurs, there shall be substituted the word “Council”.

#### Editorial Information

- X1** The text of Sch. 26 para. 16 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### Marginal Citations

- M4** 1859 c. 1. (22 Vict.).

*Changes to legislation: Local Government Act 1972, Cross Heading: Saving, amendments and modifications of enactments is up to date with all changes known to be in force on or before 24 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- 17 In Part III of Schedule 5 to the <sup>M5</sup>Public Health Act 1875, the paragraph relating to section 83 of the Act 11 and 12 Vict. c. 63 shall in Greater London apply only within the outer London boroughs and shall outside Greater London apply to, and only to, a church or other place of public worship—
  - (a) to which it applies immediately before 1st April 1974 or would have so applied if the building had then been completed; or
  - (b) the building of which begins on or after that date.

**Marginal Citations**  
**M5** 1875 c. 55.

<sup>F1</sup>18–23 . . . . .

**Textual Amendments**  
**F1** Sch. 26 paras. 12, 13, 18–23 repealed by S.I. 1974/628

- 24 It shall not be necessary for the Secretary of State to approve any table of fees as required by section 9 of the <sup>M6</sup>Cremation Act 1902, but any burial authority for the purposes of that Act shall keep such a table and it shall be available for inspection by the public at all reasonable times.

**Modifications etc. (not altering text)**  
**C1** Sch. 26 para. 24 extended by S.I. 1977/293, art. 5(2)

**Marginal Citations**  
**M6** 1902 c. 8.

- 25 A burial authority within the meaning of section 214 above shall also be a burial authority for the purposes of <sup>F2</sup>. . . the <sup>M7</sup>Parish Councils and Burial Authorities (Miscellaneous Provisions) Act 1970.

**Textual Amendments**  
**F2** Words repealed by S.I. 1974/628

**Marginal Citations**  
**M7** 1970 c. 29.

**Changes to legislation:**

Local Government Act 1972, Cross Heading: Saving, amendments and modifications of enactments is up to date with all changes known to be in force on or before 24 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 80(3B) omitted by [2021 asc 1 Sch. 2 para. 1\(3\)\(c\)](#)
- s. 101(6ZA) inserted by [2023 c. 55 Sch. 12 para. 2](#)
- s. 123(2C) inserted by [2023 c. 55 s. 75](#)
- s. 131(2)(n) and word inserted by [2023 asc 3 Sch. 13 para. 16](#)