



# Cemeteries Clauses Act 1847

## CHAPTER 65

### CEMETERIES CLAUSES ACT 1847

[1.] Incorporation with special Act.

*Interpretations in this Act*

- 2 “Special Act:” “Prescribed:” “Lands:” “Company.”
- 3 Interpretations in this and the special Act. Number: Gender: “Person:” “Lands:” “The cemetery:” “Month:” “Superior courts:” “Established Church:” “Justice:” “Two justices:”

*Citing the Act*

- 4 Short title of this Act.
- 5 Form in which portions of this Act may be incorporated in other Acts.

*Making of cemetery*

- 6 Construction of cemetery to be subject to the provisions of this and the Land Clauses Consolidation Act 1845.
- 7 Errors and omissions in Act or Schedule to be corrected by Justices, who shall certify the same Certificate to be deposited.
- 8 Copies of plans, &c. to be evidence.
- 9 Company not to dispose of any land consecrated or used for burials.
- 10 .....
- 11 Company may build chapels, &c.
- 12 Company may make or widen roads to cemetery.
- 13 No road to be widened without consent.
- 14 Owners, &c. may enter into agreement for improving roads for that purpose.
- 15 Cemetery to be inclosed and fenced.

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

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- 16 Cemetery, &c. to be kept in repair.
- 17 Company to make compensation for damages done.

#### *Prevention of nuisances*

- 18 Power to make sewers, drains, &c. in and about the cemetery.
- 19 Certain provisions of Waterworks Clauses Act 1847, incorporated with this Act.
- 20 Penalty for allowing water to be fouled.
- 21 Penalty to be sued for within six months.
- 22 In addition penalty of 50 l., a daily penalty during the continuance of the offence.

#### *Burials*

- 23 A part of cemetery to be set apart and consecrated for burial of members of Established Church.
- 24 Consecrated ground to be defined.
- 25 A chapel in connection with the Established Church to be constructed.
- 26 Bodies when interred not to be removed without lawful authority.
- 27 Chaplain to be appointed with consent of the bishop.
- 28 Chaplain to perform burial service when required.
- 29 Other clergymen of the Established Church may be allowed to officiate.
- 30 Company to pay the chaplain a stipend approved by the bishop.
- 31 Stipend may be recovered by action at law.
- 32 Burials in the consecrated portion to be registered by the chaplain.
- 33 Registers to be subject to the regulations of 6 & 7 Will. 4. c. 86. as to searches, &c.
- 33 Section 35 of the Births and Deaths Registration Act 1836...
- 34 Clerk appointment for the consecrated part of the cemetery.
- 35 As to burial of persons not members of the Church of England.
- 36 Company may allow any burial service to be performed in dissenting chapels.
- 37 Power to appoint gravediggers, &c.
- 38 Regulations for ensuring decency and solemnity.
- 39 No burials under or close to chapels.

#### *Exclusive rights of burial*

- 40 Parts of the cemetery set apart for exclusive burial. Monumental inscriptions.
- 41 Plan and book of reference to be kept, and be open to inspection.
- 42 Form of grant of burial in vault, &c. to be according to Schedule.
- 43 Register of grants to be kept.
- 44 Rights of burial, &c. to be assignable, or may be bequeathed by will.
- 45 Form of assignments.
- 46 Assignments to be registered.
- 47 Probates of wills to be registered.
- 48 Vaults to be kept exclusively for purchasers of exclusive right.
- 49 No such grant to give the right of burial in consecrated ground to certain persons.
- 50 Power to remove monuments improperly erected.
- 51 Bishop to have power to object to monumental inscriptions in consecrated part of cemetery.

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*Payments to incumbents of parishes*

- 52 Payments to incumbents of parishes from which bodies are brought.
- 53 Company shall keep account of interments.
- 54 Account of payments due to incumbents of parishes to be rendered half-yearly.
- 55 Fees to be paid to incumbents of parishes half-yearly.
- 56 Payment to be made to the incumbent for the time being, who is to account with his predecessor.
- 57 Company to pay parish clerks the compensation mentioned.

*Protection of cemetery*

- 58 .....
- 59 Penalty on persons committing nuisances in the cemetery.
- 60 Annual accounts to be made up, and a copy transmitted to the clerk of the peace, &c., and be open to inspection.
- 61 .....

*Recovery of damages and penalties*

- 62 8 & 9 Vict. c. 20; incorporated as to damages, &c.
- 63 .....
- 64 All things required to be done by two justices may, in certain cases, be done by one.
- 65 .....

*Access to special Act*

- 66 Copies of special Act to be kept by company at their office, and deposited with the clerk of the peace, and be open to inspection.
- 67 Penalty on company failing to keep or deposit such copies.
- 68 Company not exempt from provisions of any future general Act.
- 69 .....

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SCHEDULES to —  
which the foregoing  
Act refers

**Changes to legislation:**

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