



# New Southgate Cemetery Act 2017

## 2017 CHAPTER ii

An Act to confer powers upon New Southgate Cemetery and Crematorium Limited and the National Spiritual Assembly of the Bahá'ís of the United Kingdom to extinguish rights of burial and disturb human remains in New Southgate Cemetery for the purpose of increasing the space for interments; and for connected purposes.

[16th November 2017]

### WHEREAS—

- (1) The Great Northern London Cemetery Company (“Great Northern”) was incorporated by the Great Northern London Cemetery Act 1855 and, under the powers of that Act, purchased lands formerly in the urban district of East Barnet, in the county of Hertford, and now in the London Borough of Barnet (“the Borough”) and constructed a cemetery (“the cemetery”) on a portion of the said lands:
- (2) Further provisions were made with regard to the cemetery and further powers were conferred on Great Northern by the Great Northern London Cemetery Act 1876 and the Great Northern London Cemetery Act 1896, and Great Northern was empowered by the Great Northern London Cemetery (Crematorium) Act 1953 to erect and maintain and has erected and maintained within the cemetery a crematorium for the burning of human remains:
- (3) The cemetery is situated on that portion of the lands purchased by Great Northern under the said Act of 1855 which lies on the east side of Brunswick Park Road in the Borough:
- (4) The remainder of such lands lie on the west side of the said Brunswick Park Road and have been sold by Great Northern in pursuance of powers conferred upon it by the Great Northern London Cemetery Company Act 1961 and the Great Northern London Cemetery Company Act 1968:
- (5) Under the powers of the Great Northern London Cemetery Act 1976, Great Northern disposed of certain further surplus land and transferred the ownership and management of the remaining cemetery to New Southgate Cemetery and Crematorium Limited (“New Southgate”):
- (6) Under the New Southgate Cemetery and Crematorium Limited Act 1990, New Southgate transferred ownership of part of the cemetery (“the transferred land”) to the National Spiritual Assembly of the Bahá'ís of the United Kingdom (“the Bahá'ís”):

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- (7) In order that better use may be made of the land in the cemetery for burials, it is expedient that New Southgate and the Bahá'ís be authorised to extinguish certain rights of burial granted in graves in the cemetery and to disturb, or authorise the disturbance of, human remains interred in such graves and also in graves where no rights of burial were granted, for the purpose of increasing the space for further interments in such graves and to use appropriately or remove altogether from the cemetery memorials on such graves:
- (8) It is expedient that the other provisions contained in this Act should be enacted:
- (9) The objects of this Act cannot be attained without the authority of Parliament:

May it therefore please your Majesty that it may be enacted, and be it enacted, by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

## 1 Citation and commencement

This Act may be cited as the New Southgate Cemetery Act 2017 and comes into force at the end of 28 days beginning with the day on which this Act is passed.

## 2 Interpretation

In this Act—

- “the borough” means the London Borough of Barnet;
- “burial” includes the interment of cremated remains and “right of burial” includes “right of interment” accordingly;
- “the burial authority” means—
  - (a) in relation to the transferred land, the National Spiritual Assembly of the Bahá'ís of the United Kingdom, and
  - (b) in relation to any other part of the cemetery, New Southgate Cemetery and Crematorium Limited;
- “the cemetery” means the New Southgate Cemetery referred to in the preamble to this Act, constructed and administered under the Great Northern London Cemetery Acts 1855 to 1976 and the New Southgate Cemetery and Crematorium Limited Act 1990;
- “civil partner” includes former civil partner;
- “Commonwealth war burial” means a burial of any member of the armed forces of His Majesty who died in the war of 1914 to 1921 or in the war of 1939 to 1947 or of any other person for whose burial the Commonwealth War Graves Commission is responsible;
- “Commonwealth war memorial” means any memorial erected, owned or maintained by the Commonwealth War Graves Commission;
- “grave” includes any grave space and any crypt, vault, catacomb, arch, brick grave, mausoleum, columbarium or other place of interment;
- “memorial” means any monument, headpiece, headstone, flatstone, slab, footstone, borderstone, kerbstone, tombstone or tablet, and includes any wall, kerb or railing protecting, enclosing or marking a grave or grave space or memorial (including any permanent covering thereon), or any

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other commemorative object placed in the cemetery including vases, flower containers or other similar objects;

“public or common grave” means a grave in respect of which no right of burial has been acquired by or granted to, or is otherwise vested in, any individual or body other than a local authority or the burial authority;

“register of grants” means the register of grants of exclusive rights of burial, and of rights to erect or place memorials, maintained by the burial authority;

“registered address” means an address registered in the register of grants;

“registered number” means a number registered in the register of grants;

“registered owner”—

(a) in relation to any right of burial means the person at the time in question named as the owner in the register of grants; and

(b) in relation to any memorial means the person at the time in question named in the said register as the person to whom the right to erect or place that memorial has been granted, or, if no such person is named, the registered owner of the right of burial in the grave in or on which the memorial is erected or placed;

“relative”, in relation to any person, means any of the following—

(a) that person’s spouse;

(b) that person’s civil partner;

(c) any lineal ancestor, lineal descendant, brother, sister, aunt, uncle, nephew, niece or first cousin of that person or of that person’s spouse or civil partner

“spouse” includes former spouse; and

“transferred land” means that part of the cemetery defined as such in the New Southgate Cemetery and Crematorium Limited Act 1990.

### **3 Power to extinguish rights of burial**

(1) Subject to subsection (2), where in respect of any grave space in the cemetery a right of burial has not been exercised for 75 years or more from the date of the latest burial in the grave space or, if there has been no burial in the grave space, from the date of the grant of the right of burial in the grave space, the burial authority may, in accordance with the provisions of this section, extinguish the right of burial in that grave space.

(2) No right of burial granted after the passing of this Act for any period longer than 75 years is to be extinguished under this section.

(3) The power of the burial authority under subsection (1) to extinguish a right of burial in any grave space includes the power to remove any memorial in or on the grave space.

(4) Before extinguishing a right of burial or removing any memorial under the powers of this section, the burial authority must—

(a) publish a notice of their intention to do so once in each of two successive weeks in a newspaper circulating in the borough, with an interval between the dates of publication of not less than six clear days;

(b) display such a notice in a conspicuous position at each of the principal entrances to the cemetery; and

(c) serve such a notice upon—

(i) the registered owner of the right of burial at that person’s registered address;