



# Woodgrange Park Cemetery Act 1993

## 1993 CHAPTER xvi

An Act to remove, as respects part of the land comprised in Woodgrange Park Cemetery, all trusts, obligations, disabilities and restrictions that are attached to that land by reason of its being used or set apart for the interment of human remains or by reason of its being a cemetery or disused burial ground; and for related purposes. [5th November 1993]

### WHEREAS—

- (1) Woodgrange Park Cemetery in the London Borough of Newham (hereinafter referred to as “the cemetery”) is an unconsecrated cemetery established in private ownership in the nineteenth century and is now owned by Badgehurst Limited, a company limited by shares:
- (2) The cemetery was acquired by Badgehurst Limited in a considerable state of dereliction, and is in great need of work to restore it to a fit and proper condition:
- (3) The release of lands within the cemetery for housing development would provide capital to facilitate the restoration of the remainder of the cemetery as a cemetery and garden of remembrance, and the cemetery would benefit from the provision of a caretaker’s house within its grounds:
- (4) The lands at the cemetery described in the Schedule hereto (hereinafter referred to as “the scheduled lands”) are not required for burial purposes and have not been used for the burial of human remains since January 1974:
- (5) The scheduled lands each constitute a disused burial ground within the meaning of the Disused Burial Grounds Act 1884:
- (6) The London Borough of Newham has resolved to grant outline planning consent for the housing development and caretaker’s house here referred to subject to the making of an agreement under section 106 of the Town and Country Planning Act 1990:
- (7) It is expedient that the scheduled lands should be freed from all restrictions prohibiting the proposed development so as to enable the provision of the intended housing development and caretaker’s house subject to the grant of any requisite planning consent:

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- (8) It is expedient that the provisions contained in this Act with respect to the removal of human remains, tombstones and monuments from the scheduled lands should be enacted:
- (9) It is expedient that the other provisions contained in this Act should be enacted:
- (10) 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, that is to say:—

## **1 Short title**

This Act may be cited as the Woodgrange Park Cemetery Act 1993.

## **2 Interpretation**

- (1) In this Act, unless the context otherwise requires—
  - “Company” means Badgehurst Limited or other person in whom for the time being the cemetery is vested;
  - “council” means the council of the London Borough of Newham or a nominee appointed by it;
  - “developer” means the Company or any other person using, developing or dealing with the scheduled lands;
  - “scheduled lands” means the lands described in Part I and Part II of the Schedule hereto edged red and green respectively on the signed plan;
  - “signed plan” means the plan signed in triplicate by Viscount Dunrossil, CMG, the chairman of the committee of the House of Lords to whom the Bill for this Act was referred and deposited respectively at—
    - (a) the office of the Clerk of the Parliaments, House of Lords;
    - (b) the Private Bill Office of the House of Commons; and
    - (c) the registered office of the Company.
- (2) If there be any discrepancy between the Schedule to this Act and the signed plan, the signed plan shall prevail.

## **3 Discharge of trusts and restrictions affecting scheduled lands**

- (1) Subject to the provisions of subsection (3) below the scheduled lands shall be freed and discharged from all trusts, obligations, disabilities and restrictions whatsoever which immediately before the passing thereof attached to the scheduled lands by reason of the scheduled lands, or any part thereof, being used or set apart for the interment of human remains or being part of a cemetery or a disused burial ground within the meaning of the Disused Burial Grounds Act 1884 and the provisions of that Act shall cease to apply to the scheduled lands.
- (2) As compensation for the loss of any rights of burial under this section the Company shall, on a claim being made to it by the registered owner of a right of burial—

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- (a) enter into an agreement with such owner for the exercise of such right in respect of a grave space elsewhere within the cemetery to be approved by such owner; or
  - (b) failing such agreement as aforesaid pay to him such sum representing the value of that right as may be agreed between the Company and the owner or, in default of agreement, determined by arbitration.
- (3) Subsection (1) above shall only take effect upon the sum of £900,000 being set aside by the developer and held on trust that it shall be applied towards the restoration and future maintenance of the cemetery in accordance with the remaining provisions of this section.
- (4) £500,000 of the said £900,000 shall be paid by the developer to an interest bearing bank account held and operated by the Company jointly with the council, such monies to be held on trust by the Company and the council and applied for the maintenance of the cemetery following the completion of its restoration in such manner as may be agreed between the Company and the council.
- (5) £400,000 of the said £900,000 shall be paid by the developer to a second interest bearing bank account held and operated by the Company jointly with the council, such monies to be held on trust by the Company and the council and applied towards the restoration of the cemetery and in particular towards the cost of the clearance of undergrowth, replacement boundary fencing, roadway works and a new caretaker's house in such manner as may be agreed between the Company and the council.
- (6) Any interest arising on the monies paid by the developer in accordance with subsection (4) above shall belong to the Company until the earlier of—
  - (a) the date on which the work of restoring the cemetery has been completed; or
  - (b) five years from the date on which the said monies have been paid by the developer,and interest arising thereafter shall accrue to the capital and be applied for the maintenance of the cemetery pursuant to subsection (4) above.
- (7) (a)

In this subsection “the agreed works” means such part of the works for the restoration of the cemetery as is agreed between the council and the Company as works to be done for the purposes of this subsection and “the agreed date” means the date agreed between the council and the Company as the date for the completion of the agreed works;

  - (b) Subject to paragraph (c) below any interest arising on the monies paid by the developer in accordance with subsection (5) above shall accrue to the bank account there referred to until the completion of the agreed works, and interest arising thereafter shall belong to the Company;
  - (c) If the agreed works have not been completed by the agreed date, interest arising on the monies paid by the developer in accordance with subsection (5) above shall continue to accrue to the said bank account until all of the works for the restoration of the cemetery agreed between the council and the Company have been completed.
- (8) For the purposes of subsections (6) and (7) above, works are to be taken as completed when they are certified as completed in such manner as may be agreed between the council and the Company.