

Private Burial Grounds and Cemeteries Bill [HL]

[AS INTRODUCED]

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[AS INTRODUCED]

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TO

Make provision for the regulation of private burial grounds and cemeteries.

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 Regulation of private burial grounds and cemeteries

- (1) The Secretary of State must by regulations make provision about the management, regulation and control of private cemeteries.
- (2) In this Act—
- “cemetery” has the meaning given in section 214(8) of the Local Government Act 1972; 5
- “private cemetery” means a cemetery that is not provided, owned or maintained by—
- (a) a burial authority within the meaning of section 214 of the Local Government Act 1972 or the Local Authorities' Cemeteries Order 1977, 10
- (b) the Crown,
- (c) any other public body, or
- (d) a family for the burial of members of the family on the family’s own land. 15
- (3) The regulations may make provision about the meaning of terms in paragraph (c) or (d) of the definition of “private cemetery” in subsection (2).
- (4) The regulations must in particular make provision to ensure that the owner of a private cemetery—
- (a) does all such things as they consider necessary for the proper management, regulation and control of a cemetery, 20
- (b) keeps the cemetery in good order and repair,
- (c) does nothing in relation to any vault, or any tombstone or other memorial, other than what is necessary to remove a danger,
- (d) maintains a plan showing and allocating distinctive numbers in relation to burial spaces, 25
- (e) maintains accurate records, by reference to the numbers in the plan, of the burial spaces,

- (f) maintains a register of all burials in a cemetery,
 - (g) makes arrangements for the burial register and other records and plans to be available for inspection by members of the public on payment of any such reasonable charge as they may determine,
 - (h) maintains a record of any disinterment and its particulars, and 5
 - (i) stores all records, plans and registers in a durable form so as to preserve them from loss or damage indefinitely.
- (5) The owner of a private cemetery may grant to any person on such terms and conditions as they see fit the right of burial (exclusive or otherwise) in any burial space, or the right to construct a walled grave, vault, tombstone or other memorial, and must issue a certificate and other documentation of any rights so granted to the right-holder and keep a record. 10
- (6) Regulations must provide that, where a right of burial is due to lapse within a period of three months in accordance with the terms and conditions on which the right was granted under subsection (5), the owner of a private cemetery must take steps to notify the right-holder and inform them of any right to apply for an extension of the right as may be specified. 15

2 Offences

- (1) Regulations may create summary offences punishable by a fine not exceeding level 5 on the standard scale for contravention of regulations under this Act. 20
- (2) In relation to a body or any human remains interred in a private cemetery, section 25 of the Burial Act 1857 (offence of removal of a body from a burial ground) has effect as if in subsection (3) for “a fine not exceeding level 1” there were substituted “a fine not exceeding level 5”.

3 Regulations 25

- (1) Regulations under this Act are to be made by statutory instrument.
- (2) A statutory instrument containing regulations under this Act may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
- (3) Before making any regulations under this Act, the Secretary of State must consult anyone likely to be affected by them unless they make only minor amendments to previous regulations under this Act. 30

4 Extent, commencement and short title

- (1) This Act extends to England and Wales.
- (2) This Act comes into force on the day on which it is passed. 35
- (3) This Act may be cited as the Private Burial Grounds and Cemeteries Act 2022.

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Baroness Hussein-Ece

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