

**IN THE HOUSE OF COMMONS**

**SESSION 2017-2019**

**NEW SOUTHGATE CEMETERY BILL [HL]**

**STATEMENT**

**BY THE PROMOTER, NEW SOUTHGATE CEMETERY AND CREMATORIUM LTD,  
IN SUPPORT OF  
THE THIRD READING OF THE BILL**

- 1 This private Bill is being promoted by New Southgate Cemetery and Crematorium Ltd (“the Promoters”) to reuse land at the New Southgate Cemetery (“the cemetery”) for the purpose of increasing the space for new interment and burial.
- 2 The Bill was introduced into the House of Lords in January 2016.
- 3 The Promoters are responsible for administration of the cemetery pursuant to the Great Northern London Cemetery Act 1976.
- 4 The opening of the cemetery was authorised by the Great Northern London Cemetery Act 1855. The Great Northern London Cemetery Act 1976 transferred the ownership of the cemetery from the Great Northern London Cemetery Company to the Promoters.
- 5 The New Southgate Cemetery and Crematorium Act 1990 transferred ownership of part of the cemetery to the National Spiritual Assembly of the Bahá’ís of the United Kingdom. The transferred part of the cemetery has gained significance for the Bahá’ís as their spiritual leader, Shoghi Effendi, is buried there. The Bahá’ís support the promotion of this bill.
- 6 The cemetery currently has approximately 40,800 graves in the section of the cemetery under the ownership of the Promoters and there are approximately 3,600 graves in the section under the ownership of the Bahá’ís.
- 7 Around 180,000 interments have been carried out in these graves in the 160 years since the cemetery has been open. There are now around 1,700 burial spaces remaining in the section of the cemetery under the ownership of the Promoters and between 75 and 100 burial spaces in the section under the ownership of the Bahá’ís.

- 8 The Promoters carry out around 175 funerals per year, and the Bahá'ís carry out around 10. At this rate the available burial spaces in both sections of the cemetery will run out in ten years' time. The Bill would deal with this by granting both the Promoters and the Bahá'ís two new powers to create new grave spaces. These new powers are based on powers already available to local authority-run cemeteries in London, under section 9 of the Greater London Council (General Powers) Act 1976 and section 74 of the London Local Authorities Act 2007.
- 9 First, the Bill would provide the Promoters and the Bahá'ís with the power to extinguish rights of burial in grave spaces in the cemetery where a right of burial has not been exercised for 75 years or more. This would enable them to reclaim unused graves and make them available for new burials.
- 10 Before those powers can be exercised, the Bill requires newspaper notices to be given, notices to be displayed in the cemetery itself, and notices to be served on the registered owner of the grave, the Commonwealth War Graves Commission and Historic England. The Bill provides that if the registered owner of the burial right objects, then the right of burial cannot be extinguished. If anybody else objects, the right cannot be extinguished without the Secretary of State's consent.
- 11 The Bill gives a subsidiary power to remove any memorials on graves where the rights of burial have been extinguished. The memorial would remain the property of the owner, but where it is not claimed within six months, it may be put to another use or destroyed. The Bill also provides a right of compensation where burial rights are extinguished.
- 12 The second main power conferred by the Bill would enable the Promoters and the Bahá'ís to re-use existing graves, by removing any remains in the graves, excavating the graves to their deepest possible depth, reintering the disturbed remains in a casket at the bottom of the deeper grave, and using the additional space above the reintered remains for new burials. This power may only be exercised where no burial has taken place for at least 75 years, and either the right of burial has been extinguished under the Bill, or no exclusive rights existed. If re-use is authorised by the Promoters or the Bahá'ís under the Bill, it would not also need a licence from the Secretary of State under section 25 of the Burial Act 1857.
- 13 Before exercising this power, the Promoters and the Bahá'ís would have to give notice as described in paragraph 10. If the registered owner of the extinguished right of burial, or a memorial on the grave, or the relative of the person buried there, objects to the proposals, then the powers may not be used for a further 25 years.

- 14 The Bill would enable the Secretary of State to give directions about the way in which human remains are removed or reinterred in relation to unconsecrated land. In respect of consecrated land, a faculty from the consistory court of the diocese must first be obtained before disturbing any human remains.
- 15 The Bill requires the Promoters and the Bahá'ís to keep records of any memorial removed and a public record of the disturbance and reinternment of remains.
- 16 Prior to the promotion of the Bill, the Promoters consulted cemetery users, the local authorities, the religious orders that use the cemetery and the Commonwealth War Graves Commission upon the Bill's contents. The promotion of the Bill has been approved by resolution of the Promoters and the Bahá'ís.
- 17 The Promoters believe that the Bill is necessary and expedient for the proper administration and future sustainability of the cemetery and for ensuring that grave spaces are available for the local and religious communities.
- 18 No petitions were deposited against the Bill in either House.
- 19 The Bill was given a Second Reading by the House of Commons following a debate on 29 November 2016. It was considered by an Unopposed Bill Committee on 24 January 2017, and the Promoter subsequently gave the following undertakings to address concerns raised by the Committee:
  - 19.1 Within 3 months of the Act receiving Royal Assent, to publicise the power to extinguish burial rights in the cemetery in a newspaper circulating in the Greater London area;
  - 19.2 Before exercising any of the powers conferred by section 4 of the Act, to carry out a survey of the faith groups most affected by the Bill's proposals in order to ensure that relevant faith and cultural sensitivities are taken into account in exercising the powers conferred by the Act, and to publish the details of its findings and proposed best practice;
  - 19.3 Before exercising any of the powers conferred by section 4 of the Act, to carry out a nature conservation assessment of the cemetery grounds in accordance with the Technical Guidance on the Re-Use and Reclamation of Graves in London Local Authority Cemeteries (dated October 2013, or any replacement document); and
  - 19.4 Not to sell for commercial gain any memorial that is removed under section 3 or 4 of the Act, without the consent of the registered owner.

- 20 In order to demonstrate their compliance with the first three undertakings, the Promoters will send the Ministry of Justice a copy of the relevant publication or assessment, so that Ministers can place this in the Library of the House. Compliance with the fourth undertaking can be monitored under clause 5 of the Bill – which requires the Promoters to make a record of each memorial removed, and to deposit a copy of that record with the Registrar General.
- 21 Parliament was dissolved for the General Election before the Bill could be given a Third Reading, and the Bill was revived in the current Parliament.
- 22 The Promoters now respectfully request the House to give the Bill a Third Reading in order that they may exercise the powers of the Bill and ensure the future sustainability of the cemetery for the benefit of local and religious communities.



**IN PARLIAMENT**

**SESSION 2017-19**

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**STATEMENT**

by the Promoter,

New Southgate Cemetery And Crematorium Ltd,

in support of the

Third Reading of the Bill

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*The Third Reading stands for*

*Tuesday 17th October 2017*

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Parliamentary Agents

17 October 2017