

ALSO AT  
WHITEFRIARS, SETTLE (TEL. 3514)  
BENTHAM (TEL. 61254)  
GISBURN (THURSDAYS ONLY)  
INGLETON (FRIDAYS ONLY)

JORDAN, CHARLESWORTH & CO.

TELEPHONE SETTLE 3589

SOLICITORS  
COMMISSIONERS FOR OATHS

—  
H. JORDAN

*Chapel Street,  
Settle,  
Yorkshire.*

OUR REF. HJ/AC

YOUR REF.

BD249HT

15th June, 1973.

Dear Mr. Greenbank,

Mr. Sutcliffe has brought me the deeds of the Churchyard and I have sent the Abstract of Title and copies of the Planning Permission to the Diocesan Registrar.

Can you let me know if you have any approval of the Minister of Housing & Local Government and Secretary of State for the Environment to which he refers.

Yours faithfully,



A.W. Greenbank Esq.,  
Rowe Farm House,  
Horton-in-Ribblesdale,  
Nr. Settle.

DIOCESAN REGISTRY

MARTINS BANK CHAMBERS, TYRREL STREET, BRADFORD, BD1 1RJ

HENRY FIRTH.

Registrar & Bishop's Secretary.

Telephones: Office 24581/2 Residence Ilkley 4538.

10th May 1973.

HF/AW/MW/H

Mr. A.W. Greenbank,  
Rowe Farm House,  
Horton-in-Ribblesdale,  
Settle,  
Yorkshire.  
BD24 OHT

Dear Mr. Greenbank,

Consecration of Burial Plot.

Thank you for your letter of the 8th instant.

I shall be glad if you will let me have a plan to show the land that it is proposed to Consecrate. I assume that this plan will show the position of the new Burial Plot in relation to the plot of land Consecrated in 1964.

Yours sincerely,

*Henry Firth*



Department of the Environment  
Caxton House Tothill Street London SW1H 9LZ

Telephone 01-834 8540 ext 223

The Clerk  
to the Horton-in-Ribblesdale Parish Council  
Rowe Farm House  
HORTON-IN-RIBBLESDALE  
Settle  
Yorks  
BD24 0HT

Your reference

Our reference

IG2/V/1578

Date

25<sup>th</sup> January 1973

Dear Sir

MAINTENANCE IN CHURCHYARDS

1. Thank you for your letter of January 16.
2. Section 269(2) of the Local Government Act 1933 only refers to a Council taking over the maintenance of a Churchyard where a certificate under section 18 of the Burial Act 1855 has been served by a Parochial Church Council on the local civil parish for the future maintenance of the Churchyard which has been closed by Order in Council. No such order has been made in respect of St Oswalds Churchyard.
3. Your council can however make contributions to the Church towards the maintenance of their churchyard & these contributions can be anything up to just short of the full cost) under the powers given to them by section 10 of the Parish Councils Act, 1957.
4. The Council also have powers under the Open Spaces Act 1906 and these powers are set out in the enclosed notes L.120.
5. With regard to your question about cutting the herbage, the only advice I can give which might help is that set out in the enclosed copy of advice taken from "The Churchyards Handbook". Have you asked the Parish Superintendent of your Rural District Council if he can give any help *or advice?*

Yours faithfully

Miss V CLARKE

ENCS 2

## MAINTENANCE OF OLD BURIAL GROUNDS

1. The notes in Part A below summarise the statutory powers available to local authorities under which they may assist or take responsibility for the maintenance of old burial grounds. The exercise of the powers is at the discretion of local authorities and entirely a matter for agreement between individual authorities and the owners of the burial grounds. Authorities with definite proposals under consideration will of course need to consult the actual text of the Acts.
2. Part B is applicable to churchyards only and sets out the circumstances in which the responsibility for maintenance can be automatically transferred to local authorities.
3. A parish council should take their expenditure under Parts A and B into account for the purposes of section 193(3) of the Local Government Act 1933 (the rate limits).

## PART A

Parish Councils Act 1957 - financial contributions

4. Under section 10 of the Parish Councils Act 1957 a parish council may contribute towards the expenses incurred by any other person in maintaining any place of interment in which the remains of inhabitants of the parish are or may be interred. This power can also be made available to borough and urban district councils, by an order of the Secretary of State for the Environment under section 271 of the Local Government Act 1933, and to parish meetings where there is no parish council, by an order of the county council under section 273 of the 1933 Act.

Open Spaces Act 1906 - care, management and control

5. Under section 9 of the Open Spaces Act 1906 all local authorities (ie county councils and borough, urban district, rural district and parish councils) may either
  - a. acquire by agreement, with or without payment, the freehold of or more limited interest in, or
  - b. undertake the entire or partial care, management or control of

any burial ground whether in use or partly or wholly disused. By section 10 the ground would be for use in trust by the public as open space and the local authority would have power to lay it out and improve it (but see below as to the removal of tombstones and monuments).

6. The powers of the 1906 Act are not given to a local authority as a burial authority. In the Department's view, if a local authority undertake
  - a. only partial care, management and control, this may be compatible with the continuance of burials by the owners of the burial ground;
  - b. the entire care, management and control of a burial ground, burials should cease unless in the exercise of acquired rights. Section 13 protects rights of a profitable or beneficial nature which, the Department are advised, include acquired rights of burial. It would be open to a local authority to resolve under their powers (in section 9) for the management and control of the burial ground that burials should cease entirely, but then compensation would be payable under section 13 for the extinguishment of existing rights.

7. A local authority cannot exercise any powers of management under the 1906 Act in relation to consecrated ground without the bishop's prior authorisation (section 11(1)).

8. Section 11(3) permits the removal of tombstones and monuments in a disused burial ground only (ie one no longer used for interments whether or not the ground has been partially or wholly closed for burials under the provisions of a statute or an order in council). If the ground is consecrated a licence or faculty must first be obtained from the bishop (section 11(4)). The local authority, at least three months before moving any tombstones or monument, must prepare and deposit for public inspection a statement of the names and dates on the tombstones to be moved; give notice of the proposals at least three times in a local newspaper and to any person known or believed to be a near relative of a person commemorated on the tombstone; and place a notice of the proposals on the door of any church attached to the burial ground.

9. The playing of any games or sports must have the prior authorisation of the bishop if the ground is consecrated or of the owner or former owner if the ground is not consecrated (section 11(2)). The National Playing Fields Association (57B Catherine Place, London SW1) have published a pamphlet "Disused burial grounds as playgrounds and playing fields" (price 15p).

#### PART B

##### Churchyards of the Church of England

##### Burial Act 1855 section 18 and Local Government Act 1933 section 269(2)

10. Section 18 of the Burial Act 1855, as modified by the Parochial Church Councils (Powers) Measure 1956 and the Overseers Order 1927, provides that where an order in council has been issued for the discontinuance of burials in a churchyard the parochial church council shall maintain such churchyard in decent order, and also do the necessary repair of the walls and other fences thereof, and that the costs and expenses shall be repaid by the rating authority, upon the certificate of the parochial church council, out of the rate levied on the parish in which the churchyard is situate, unless there shall be some other fund legally chargeable with such costs and expenses.

11. Section 269(2) of the Local Government Act 1933, provides that where a certificate is given under the provisions of the Burial Act 1855, in a borough or urban district, or in a rural parish having a parish council, in order to obtain repayment from the general rate fund of the expenses of maintaining or repairing a closed churchyard, the functions and liabilities of the parochial church council with respect to the maintenance and repair of the churchyard shall be transferred to the council of the borough or urban district, or to the parish council, as the case may be.

12. A parochial church council therefore continues to be responsible for the maintenance of a churchyard where an order for the discontinuance of burials has been made, but if they should give a certificate to the rating authority, in order to obtain repayment from the rates of the expenses of maintaining the closed churchyard, the obligations of the parochial church council in the matter are automatically transferred to the borough, urban district, or parish council. It is only the duty to maintain that is transferred: the ownership of the ground remains vested in the church.

13. The certificate given by the parochial church council can only relate to the repayment of costs and expenses already incurred. The amount to be recovered and the extent of maintenance work (both before and after transfer to the local authority) are matters which it would be fair for the parochial church council and the local authority to discuss at an early stage.

14. A parish council, in order to recover any expenditure incurred by them in the maintenance and repair of a closed churchyard, should issue a certificate (which has the same effect as a precept) to the rural district council. The expenses will, in view of article 13(1) of the Overseers Order 1927, be repaid by the rural district council and raised in the parish as an additional item of the general rate as provided in section 2(4)(a) of the General Rate Act 1967.

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TELEPHONE SETTLE 3514

SOLICITORS  
COMMISSIONERS FOR OATHS

—  
H. JORDAN  
CLERK TO THE JUSTICES  
FOR  
STAINCLIFFE EAST, STAINCLIFFE WEST & BOWLAND

*Whitefriars,  
Settle,*

*Yorkshire.*

BD24 9JD

OUR REF. H.31

YOUR REF.

10th August, 1972.

Dear Mr. Greenbank,

Purchase of land adjoining  
the Churchyard at Horton-in-Ribblesdale

At the request of Mr. C.M. Sutcliffe we enclose  
receipted Completion Statement in respect of the above  
transaction.

Yours sincerely,

*Jordan, Charlesworth & Co*

A.W. Greenbank Esq.,  
Clerk to Horton-in-Ribblesdale Parish Council,  
Rowe Farm House,  
Horton-in-Ribblesdale,  
Settle.

S C H E D U L E of deeds and documents relating to a plot of land forming part of Crooks Farm, Horton-in-Ribblesdale in the West Riding of the County of York.

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1971	EPITOME OF TITLE of George Thompson relating to Crooks Farm Horton-in-Ribblesdale
1971 21st September	CERTIFICATE OF SEARCH W.R.C.C.
1971 22nd September	CERTIFICATE OF SEARCH Local Land Charges (Settle RDC)
1971 21st October	CERTIFICATE OF SEARCH W.R.Deeds Registry
1971 21st October	CERTIFICATE OF SEARCH H.M.Land Registry
1971 3rd November	CONVEYANCE George Thompson to The Parish Council of Horton-in-Ribblesdale.

R E C E I V E D the above mentioned deeds and documents from Messrs Jordan Charlesworth & Co., Solicitors Whitefriars Settle this 16 day of DEC 1971

*E. M. Sutcliffe*

*A. W. Greenbank*

*Clerk to Horton-in-Ribblesdale  
Parish Council*



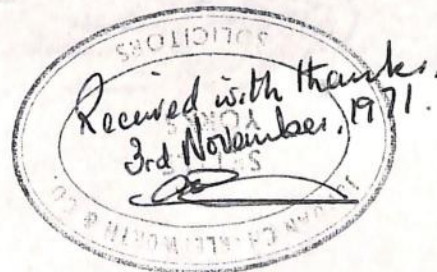
HORTON-IN-RIBBLESDALE PARISH COUNCIL  
from G. THOMPSON ESQ.  
-----

Purchase of land adjoining the Churchyard at  
Horton-in-Ribblesdale  
-----

COMPLETION STATEMENT

To amount of purchase money	£35.00
Add/	
Search fees	3.00
Jordan, Charlesworth & Co., professional charges being the minimum fee allowed by the Law Society's Scale of charges	15.00
Surveyors Fees	7.50
Walker, Charlesworth & Foster legal charges	15.00
	<hr/>
	£75.50
	<hr/> <hr/>

Dated: 27th October, 1971.  
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H. JORDAN  
CLERK TO THE JUSTICES  
FOR  
STAINCLIFFE EAST, STAINCLIFFE WEST & BOWLAND

*Whitefriars,  
Settle,*

*Yorkshire.*

OUR REF. DMJ/H31

YOUR REF.

BD24 9JD

27th October, 1971.

Dear Mr. Greenbank,

re: Purchase of land by the Parish Council  
from Mr. George Thompson

Mr. Thompson's solicitors have today informed us that they are able to complete the above mentioned transaction and we therefore enclose a Completion Statement showing the amount required to complete your purchase. Please let us have the amount stated as soon as possible.

Yours faithfully,

*Jordan, Charlesworth & Co*

A.W. Greenbank Esq.,  
Clerk, Horton-in-Ribblesdale Parish Council,  
Rowe Farmhouse,  
Horton-in-Ribblesdale,  
Settle.

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FOR  
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*Whitefriars,  
Settle,*

*Yorkshire.*

BD24 9JD

OUR REF.

YOUR REF.

DMJ/H31

3rd November 1971.

Dear Mr. Greenbank,

Re: Purchase of land by the Parish Council  
from Mr. George Thompson

We thank you for sending us your cheque for £75.50 and  
as requested we return the Completion Statement duly receipted.

Yours sincerely,

*Jordan, Charlesworth & Co*

A.W. Greenbank Esq.,  
Clerk, Horton in Ribblesdale Parish Council  
Rowe Farmhouse  
Horton-in-Ribblesdale.  
Settle.

HORTON-IN-RIBBLESDALE PARISH COUNCIL  
from G. THOMPSON ESQ.

Purchase of land adjoining the Churchyard at  
Horton-in-Ribblesdale

COMPLETION STATEMENT

To amount of purchase money	£35.00
Add/	
Search Fees	3.00
Jordan, Charlesworth & Co., professional charges being the minimum fee allowed by the Law Society's Scale of charges	15.00
Surveyors Fees	7.50
Walker, Charlesworth & Foster legal charges	15.00
	<hr/>
	£75.50
	<hr/> <hr/>

Dated: 27th October, 1971.

Jordan, Charlesworth & Co

Receipt please.

Received with thanks the sum of £75-50  
Jordan Charlesworth & Co 2<sup>nd</sup> November 1971

DATED 3<sup>rd</sup> November 1971.

GEORGE THOMPSON ESQ

-to-

THE PARISH COUNCIL OF HORTON-  
IN-RIBBLESDALE

# Conveyance

-of-

a plot of land forming part  
of Crooks Farm Horton-in-  
Ribblesdale in the West Riding  
of the County of York.

JORDAN, CHARLESWORTH & CO.,  
WHITEFRIARS,  
SETTLE.

DENNIS  
WELBOURN LTD.  
Law Stationers.  
PUDSEY,  
YORKSHIRE.

# Gifts Conveyance

is made the 16th  
day of November

PRODUCED BY FINANCIAL ACT. 1925  
16-11-71 A 46640  
INLAND REVENUE

One thousand nine hundred and seventy one B E T W E E N GEORGE THOMPSON  
of Parkers Farm Bank Newton Gargrave near Skipton in the West Riding of  
the County of York (hereinafter called "the Vendor") of the one part and  
THE PARISH COUNCIL OF HORTON-IN-RIBBLESDALE in the said West Riding  
(hereinafter called "the Council") of the other part

W H E R E A S the Vendor is seised of (inter alia) the property  
hereinafter described for an estate in fee simple in possession free from  
incumbrances and has agreed with the Council for the sale thereof to them  
of a like estate in the said property at the price of Thirty five pounds

NOW THIS DEED W I T N E S S E T H as follows:-

1. In consideration of the sum of THIRTY FIVE POUNDS paid by the Council  
to the Vendor (the receipt whereof the Vendor hereby acknowledges) the  
Vendor AS BENEFICIAL OWNER hereby conveys unto the Council ALL THAT plot of  
land forming part of Crooks Farm Horton-in-Ribblesdale aforesaid being  
part of Field Number 392 on the Ordnance Survey Map (1909 Edition) and  
containing Five hundred and twenty square yards or thereabouts All which  
said property is for the purpose of identification only more particularly  
delineated on the map or plan annexed hereto and thereon edged red TO HOLD  
the same unto the Council in fee simple
2. The Council hereby covenants with the Vendor that within six months  
from the date hereof the Council will erect and forever after maintain a good  
and sufficient stock proof fence between the points marked "A" and "B" on  
the said map or plan annexed hereto
3. The Vendor hereby acknowledges the right of the Council to production  
of a Conveyance dated the Twenty eighth day of February One thousand nine  
hundred and sixty one made between Margaret Lambert of the one part and  
the Vendor of the other part and to delivery of copies thereof and hereby  
undertakes with the Council for the safe custody of the same
4. IT IS HEREBY CERTIFIED that the transaction hereby effected does not  
form part of a larger transaction or of a series of transactions in respect  
of which the amount or value or the aggregate amount or value of the  
consideration exceeds FIVE THOUSAND FIVE HUNDRED POUNDS

I N W I T N E S S whereof the Vendor has hereunto set his hand  
and seal and Christopher Matthew Sutcliffe and James Hammond Morphet  
being two members of the Council have hereunto set their respective hands  
and seals the day and year first hereinbefore written

SIGNED SEALED AND DELIVERED )  
by the said George Thompson }  
in the presence of:- \_\_\_\_\_ }

*George Thompson*

*Lauree Kay  
Sunny Lane  
Ritchester Road  
Clayton - Le Dale  
Blackburn*

*Auctioneer.*

SIGNED SEALED AND DELIVERED )  
by the said Christopher Matthew }  
Sutcliffe in the presence }  
of:- \_\_\_\_\_ }

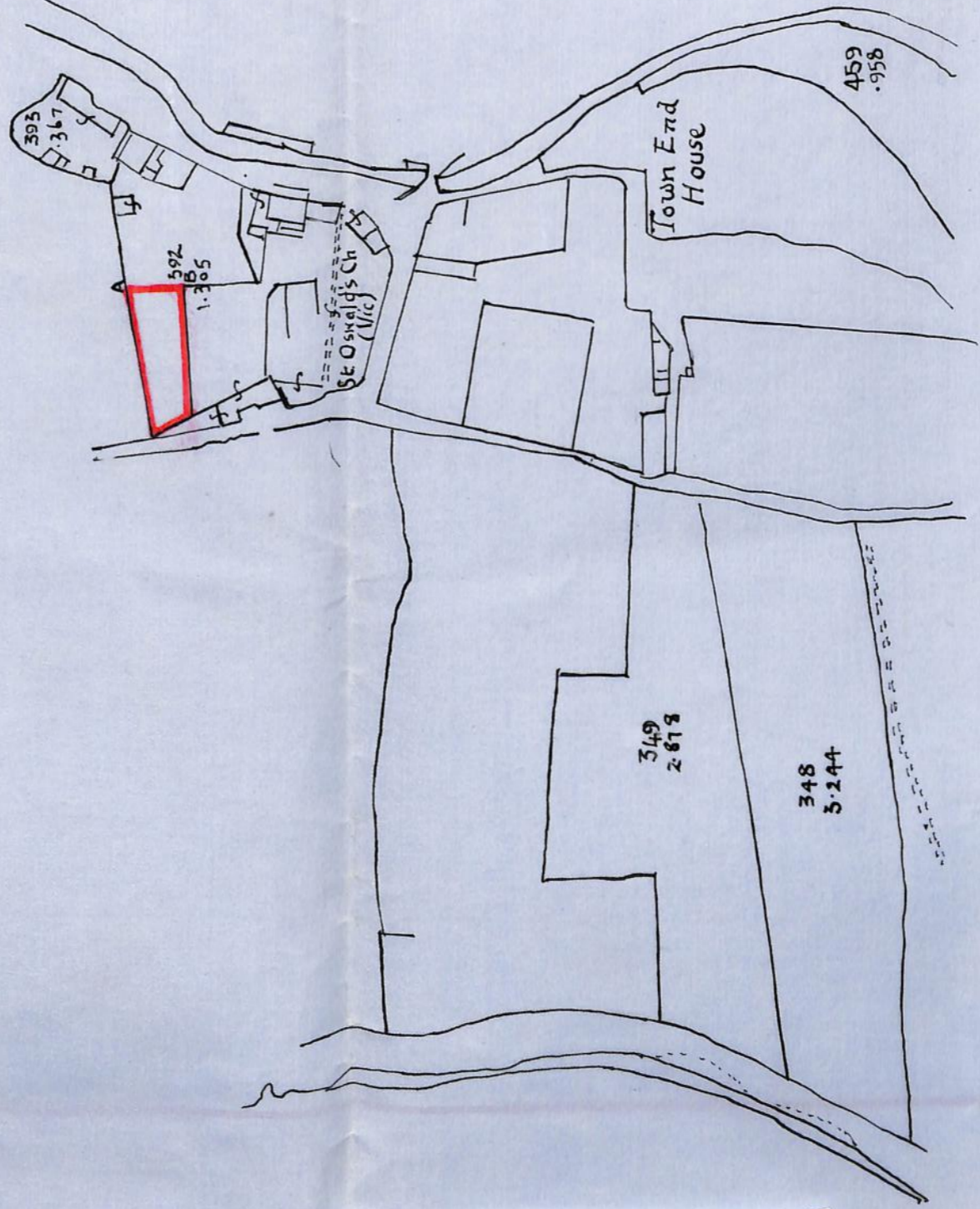
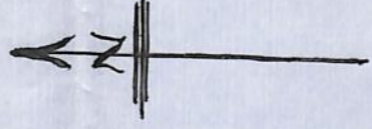
*A. M. Sutcliffe . X*

*W J Bentham*

SIGNED SEALED AND DELIVERED )  
by the said James Hammond }  
Morphet in the presence }  
of:- \_\_\_\_\_ }

*X J. H. Morphet X*

*G. H. Frankland*





OFFICIAL CERTIFICATE No.

512822-00

It is hereby certified that the Official Search applied for has been made up to the closing of the Office on the date given on the Official Stamp below

The Result is as follows:

THE FOLLOWING ENTRIES  
 ON THE FOLLOWING DATE *2 pages*



Address  
 Renishaw,  
 Derbyshire.  
 Main Street, Hasland,  
 Chesterfield, Derbyshire.  
 14 North Crescent, Duckmanton,  
 nr Chesterfield, Derbyshire.

Surname THOMPSON

Other Names George

Title, Trade or Profession

Miner

SEARCH MADE: 21 OCTOBER 1971

(121) D.S. 672 104 948 0147

Register	Date & Reference No. of Registration	County	Parish or Place	Known as (if practicable)
WO(B)	1970 20 Feb No. 1183			

*we certify that the two entries attached do not relate to the parcel of George Thompson referred to in the report of the solicitor's search 21/10/71*

**WARNING**

This certificate refers to the description of the land, if any, given in the Alphabetical Index. Alterations of description subsequent to the date of registration cannot be made in the register and may not have been made in the Alphabetical Index.

**NOTES**

- Neither the Act nor the Rules require particular parcels of land to be entered in the Alphabetical Index. For the convenience of searchers, however, short descriptions of particular parcels are entered in the Index where practicable. This is not practicable in all cases. A certificate of the result of an official search may, consequently contain (in addition to entries affecting the parcel of land specified in the application therefor) entries in the Index where no particular parcel of land is given therein. Such entries may or may not affect the land in which the searcher is interested. Having obtained notice of them, a purchaser is, however, in a position to call on his vendor to satisfy him that they do not affect the land he is purchasing, or have them dealt with as provided by S.43 of the Law of Property Act, 1925. It is also open to him to apply on Form LC 14 for an office copy of the entry in the register. The fee for an Office Copy entry is 2/6d.
- Certificates of official search are normally posted on the day of the receipt of the application therefor if received before 10 a.m. Under Rule 1 (8) of the Land Charges Rules, 1926, the certificate extends to registration effected during the day of the date of the certificate, and may be issued only after the Office is closed for registrations on that date.
- S. 4 (2) of the Law of Property (Amendment) Act, 1926, as varied by Rule 1 (2) Land Charges Rules, 1940, provides that where a purchaser has obtained an official certificate of the result of search, any entry which is made in the register after the date of the certificate and before the completion of the purchase, and is not made pursuant to a priority notice entered on the register before the certificate is issued, shall not, if the purchase is completed before the expiration of the fourteenth day after the date of the certificate, affect the purchaser.  
 S. 4 (3) of the Law of Property (Amendment) Act, 1926, provides that in reckoning the number of days under this section, the days when the Office is not open to the public shall be excluded.  
 Normally the Office is closed to the public on Saturdays, Sundays and Public Holidays.  
 At the request of the Law Society, in order to assist solicitors, every certificate of the result of an official search shows both the date when the search was made and the date when the period of protection ends. The latter date is supplied for convenience only and has no legal effect. It should be observed that the protection under this search will not necessarily extend over the entire period of fourteen working days referred to above. Protection ends on the date of completion of the purchase.
- If the name of the parish, district or other description has changed, former description must be given.

Contents of Official Certificate

Normal time for issuing Certificates of Official Searches

Protection for 14 days

Change of parish name or of description of land