

# Ainstable Parish Council

Serving the villages of Ainstable, Croglin, Newbiggin, and Ruckcroft,  
the communities of Dale and Longdales, and the surrounding farms and houses

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## Powers of a Parish Council to Provide Grants for the Maintenance of Open Churchyards

The Local Gov Act of 1894 Sec6(1) & Sec 8, transferred powers from the Church to the newly formed Parish Councils. Those powers are to:

- Hold and manage parish property, and do any works including to maintain and improve it, and contribute to expenses (**but NOT property relating to affairs of the church or held for an ecclesiastical charity**).

As is often the case, there are specific exceptions which came about as a result of the Local Gov Act 1972. These are:

- Sec 215 Local Government Act 1972 - allows a council to maintain a closed churchyard.
- Sec 214 (6) Local Government Act 1972 - allows a burial authority to contribute to anyone else providing a cemetery (e.g. church, temple, synagogue.)

Advice from NALC is that the **general** prohibitions of the 1894 Act about not providing financial help for church property, are over-ridden by the **specific** powers relating churchyards / cemeteries in the later laws made under Local Government Act 1972.

Ainstable Parish Council is a burial authority, so it is lawful for it to make a grant towards the upkeep of the churchyard.

However, it could not, for example, provide funds to a Church Hall to make it suitable for Scout meetings because it is church property.

### References:

<https://towncouncillor.com/3933/parish-council-funding-of-grass-cutting-in-church-graveyard>

Open Spaces Act 1906, ss. 9 & 10

Local Government Act 1972, s.214

Local Government Act 1972, s.214(6).