ELIZABETH II



1966 CHAPTER vii

An Act to vest in the Chapter of the Cathedral Church of Saint Peter Bradford the said Cathedral and the churchyard of that Cathedral; to provide for the removal of certain restrictions attaching to the said churchyard; to authorise the use of the said churchyard for building and other purposes and the disposal thereof; and for other purposes. [3rd August 1966]

WHEREAS—

(1) The Cathedral Church of Saint Peter Bradford (in this Act called " the Cathedral ") is surrounded, except on the east side thereof, by consecrated land (in this Act called " the churchyard ") which was formerly used for burials:

(2) By Orders in Council of Her late Majesty Queen Victoria dated the 5th February, 1872, and the 14th February, 1883, burials in the churchyard were discontinued:

(3) The Cathedral, which is the parish church of Bradford, and the churchyard (or some part thereof) formerly comprised part of the rectory of Bradford and it is on record that in or about the year 1650 the said rectory was vested in a rector impropriate:

(4) In the course of time the said rectory passed through changes of ownership and the whole of the rectorial glebe was sold in the year 1794:

(5) It is believed that the said rectory has been extinct for many years and it is expedient for the removal of doubt that the Cathedral and churchyard should be declared by this Act to be vested in the Chapter of the Cathedral:

(6) In the year 1891 a house for a verger and a parish room were erected on a part of the churchyard contrary to the provisions
1884 c. 72. of section 3 of the Disused Burial Grounds Act, 1884, and it is expedient that the erection thereof should be sanctioned and confirmed by the authority of Parliament:

(7) It is expedient that other buildings should be erected on other parts of the churchyard and that the provisions contained in this Act with respect to the use, dealing with or disposition of the churchyard and the removal therefrom of any human remains interred therein should be enacted:

(8) It is expedient that the other provisions contained in this Act should be enacted:

(9) The purposes of this Act cannot be effected without the authority of Parliament:

(10) A plan of the land comprising the Cathedral and the churchyard and a book of reference thereto containing the names of the owners, reputed owners and occupiers of the said land were in the month of November, 1965, deposited in the office of the Clerk of the Parliaments and in the Private Bill Office of the House of Commons and with the town clerk of the city of Bradford which plan is referred to in this Act as the deposited plan :

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:—

Short title.

1. This Act may be cited as the Bradford Cathedral and Churchyard Act 1966.

Interpretation.

2.—(1) In this Act, unless there be something in the subject or context repugnant to such construction—

" the Bishop " means the Lord Bishop of Bradford for the time being and during a vacancy in the see of Bradford includes the guardian of the spiritualities thereof;

" the Cathedral " means the Cathedral Church of Saint Peter Bradford;

" the Chapter " means the Chapter of the Cathedral;

" the churchyard " means the churchyard appurtenant to the Cathedral;

" the city " means the city of Bradford;

" the deposited plan " has the meaning assigned to that expression in the preamble to this Act;

" enactment " has the same meaning as in the Town and Country Planning Act, 1962. 1962 c. 38.

(2) Except where the context otherwise requires any reference in this Act to any enactment shall be construed as a reference to that enactment as amended or varied by, or by virtue of, any subsequent enactment including this Act.

Vesting of Cathedral and churchyard.

3. For the removal of doubt it is hereby declared that the Cathedral and the churchyard are by this Act vested in the Chapter for an estate in fee simple free from incumbrances.

Sanction and confirmation of verger's house and parish room. 1884 c. 72.

4. Notwithstanding the provisions of the Disused Burial Grounds Act, 1884, the erection on the churchyard of the house for a verger and the parish room and the retention thereof, are hereby sanctioned and confirmed, and the Chapter are hereby authorised to maintain, repair and renew the same as occasion may require.

Discharge of trusts and restrictions affecting churchyard.

5. As from the passing of this Act, the churchyard shall be freed and discharged from all trusts, uses, obligations, disabilities and restrictions whatsoever (including the effects of consecration) which immediately before the passing thereof attached to the churchyard under ecclesiastical law or otherwise and from all rights and interests of any person who is a personal representative or relative of any deceased person whose remains are interred in the churchyard, and from all other trusts, uses, obligations, disabilities and restrictions whatsoever which attached to the churchyard immediately before the passing of this Act by reason of the churchyard or any part thereof being a disused burial ground or forming the churchyard or the enclosure of a church or otherwise.

Power to use churchyard for other purposes.

6. Notwithstanding anything contained in any enactment, but subject to the provisions of this Act, it shall be lawful at any time after the passing of this Act to use, deal with or dispose of the churchyard or any part thereof—

(1) for the purpose of erecting any buildings thereon or thereunder;

(2) for the purpose of a parking place for vehicles;

(3) for any other purpose or other purposes; or

(4) for any two or more of those purposes;

in like manner as if no part thereof had ever been consecrated or been used or set apart for the purpose of burial of human remains or had ever been or formed the churchyard or the enclosure of a church:

Provided that except for the purpose of enlarging the Cathedral it shall be lawful to erect buildings on only so much of the churchyard as is shown coloured pink on the deposited plan.

Use of part of churchyard for Bishop's house.

7. Without prejudice to the generality of the last foregoing section the Chapter may sell, lease or otherwise dispose of any part of the churchyard shown coloured pink on the deposited plan to the Church Commissioners for England for the purpose of erecting thereon a house for the Bishop with a suitable garden attached thereto for such price or consideration (whether or not the full market value) in such manner and subject to such terms and conditions as the Chapter may think fit.

Removal of human remains.

8.—(1) Before any person begins to use any part of the churchyard for—

(*a*) the erection thereon or thereunder of any building; or

(*b*) any other purpose likely to involve the disturbance of human remains (any question as to which shall be determined by the Secretary of State, whose decision shall be final);

the Chapter shall give notice of their intention to remove or cause to be removed from that part of the churchyard the remains of any deceased person found to have been interred therein by publishing a notice once in each of two successive weeks in a newspaper circulating in the city with an interval between publications of not less than six days, and shall display a like notice in a conspicuous place on that part of the churchyard and such notice shall have embodied in it the substance of subsections (2), (3), (4), (5), (6) and (7) of this section.

(2) At any time within two months after the first publication of such notice, any person who is a personal representative or relative of any deceased person whose remains are interred in that part of the churchyard may give notice in writing to the Chapter of his intention to undertake the removal of such remains, and thereupon he shall be at liberty without any faculty for the purpose, but subject as hereinafter mentioned to any regulations made by the Bishop, to cause such remains to be removed to and

reinterred in any consecrated burial ground or cemetery in which burials may legally take place, but, in the case of a churchyard, only with the consent of the incumbent of the benefice concerned.

(3) If any person giving such notice as aforesaid fails to satisfy the Chapter that he is such personal representative or relative as he claims to be, the question shall be determined on the application of either party in a summary manner by the Registrar of the Consistory Court of the Diocese of Bradford who shall have power to make an order specifying who shall remove the remains and as to the payment of the costs of the application.

(4) The expenses of such removal and reinterment (not exceeding in respect of remains removed from any one grave the sum of fifty pounds) shall be defrayed by the Chapter, such sum to be apportioned if necessary equally according to the number of remains in the grave.

(5) If within the aforesaid period of two months no such notice as aforesaid shall have been given to the Chapter in respect of the remains in any grave, or if, after such a notice has been given, the person giving the same shall fail within two months to cause such remains to be removed in compliance with the provisions of this section and with any regulation of the Bishop, the Chapter without any faculty for that purpose shall remove the remains of the deceased person and cause them to be interred in such other consecrated burial ground or cemetery in which burials may legally take place as, subject to the consent of the Bishop, the Chapter thinks suitable for the purpose but, in the case of interment in a churchyard, the previous consent of the incumbent of the benefice concerned shall also be required.

(6) Upon any removal of remains from the churchyard a certificate of removal and reinterment shall be sent to the Registrar General by the Chapter giving the dates of removal and reinterment respectively and identifying the place from which the remains were removed and the place in which they were reinterred showing the particulars of each removal separately.

(7) Any monument or tombstone relating to the remains of any deceased person removed under this section shall at the expense of the Chapter be removed and re-erected at the place of reinterment of such remains or at such place as the Bishop may direct on the application (if any) of such personal representative or relative as aforesaid, or failing such application, on the application of the Chapter and the Chapter shall cause a record to be made of each monument and tombstone taken from the burial ground under this section containing—

(*a*) a copy of the inscription on it; and

(*b*) if it is intended to preserve the monument or tombstone, a statement naming the place to which it has been taken;

and shall deposit a copy of the record with the Registrar General:

Provided that in the case of a monument or tombstone in respect of which no application is made by such personal representative or relative as aforesaid it shall not be necessary to re-erect the monument or tombstone if the Chapter considers that by reason of its ruinous condition it is unsuitable for re-erection and any such monument or tombstone may be disposed of in such manner as the Chapter may direct.

(8) The removal of the remains of any deceased person under this section shall be carried out under the supervision and to the satisfaction of the medical officer of health of the city.

Saving for town and country planning. 1962 c. 38.

9. The provisions of the Town and Country Planning Act, 1962, and any restrictions or powers thereby imposed or conferred in relation to land shall apply and may be exercised in relation to any land notwithstanding that the development thereof is or may be authorised or regulated by or under this Act.

Costs of Act.

10. The costs, charges and expenses preliminary to and of and incidental to the preparing, applying for, obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Chapter.

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CHAPTER vii

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