

ANNO TRICESIMO PRIMO & TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

****

CAP. CIII.

An Act to amend the Law which regulates the Burials of Persons in *Ireland* not belonging to the Established Church. [31st *July* 1868.]

WHEREAS it is expedient to amend the Law of Burial in *Ireland*:

Be it therefore 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:

Where Burials of Persons not belonging to United Church of England and Ireland take place in Burial Grounds of such Church, Priest, &c. of other Denomination may perform Service.

1. That whenever after the passing of this Act any Person who at the Time of his or her Death shall not have been a Member of and in communion with the United Church of *England* and *Ireland* shall be buried, as of Right, within any Churchyard or Graveyard, the Soil or Freehold whereof shall be vested in any Rector, Vicar, or other Incumbent, it shall be lawful for the Priest or Minister of the Religious Denomination to which such Person shall have belonged at the Time of his or her Death, and he is hereby empowered, to attend such Burial, and to read such Prayers or perform such Burial Service at the Grave in such Churchyard or Graveyard as is usual and customary at Burials of Persons belonging to such Religious Denomination; and any Person wilfully

obstructing

obstructing such Prayers or Burial Service shall be deemed guilty of a Misdemeanor: Provided always, that such Prayers shall not be read nor such Burial Service performed either wholly or in part during the Time of the Celebration of Divine Service or any Rite or Ceremony of the said United Church, or during the catechising or other Instruction of Children or young Persons in the Church or Chapel to which such Churchyard or Graveyard belongs, nor within Half an Hour before the Commencement or after the Conclusion of any such Celebration, catechising, or Instruction, nor during the Time at which the Incumbent or Minister of such Church or Chapel, or any other Minister or other Ecclesiastical Person, shall be performing the Burial Service in such Churchyard or Graveyard, nor during the Performance of any other Burial Service therein: Provided always, that nothing in this Act shall confer any Right of Burial where no such Right already exists, or shall affect the Rights or Privileges of any Ordinary, Rector, Vicar, or other Incumbent.

Prohibition of Interference with Burial.

2. Nothing herein contained shall authorize or justify any Interference with or Interruption of the Celebration of Divine Service in the Church or Chapel to which such Churchyard or Graveyard may be attached or belong, or the Obstruction of Persons going thereto or returning therefrom.

Notice to be given of the Time at which it is proposed that the Burial shall take place.

3. Such Priest or Minister who may purpose to attend such Burial shall, Twenty-four Hours before the reading of such Prayers or the Performance of such Burial Service, serve or cause to be served upon the Person appointed by the Rector, Vicar, or other Incumbent of the Parish to receive such Notices a Notice in Writing, signed with his Name, stating the Name and late Residence of the Person about to be buried, and the Hour at which he purposes to read such Prayers or perform such Burial Service; and if there be no Celebration, catechising, or Instruction already appointed to take place, or other Burial Service appointed to be performed at the Time specified in the Notice, of which he is to be then and there informed, he shall read such Prayers or perform such Service at the Time for which he has given Notice; but if any Celebration, catechising, Instruction, or other Burial Service shall have been already appointed, then he shall appoint some other convenient Time before or after such Celebration, catechising, Instruction, or other Burial Service.

Lord Lieutenant in Council to have

4. And whereas many Parish Churches have of late Years been erected on a new Site, having attached to them small Churchyards given or purchased for the sole Use of Persons attending the Worship

Worship of the Church, and in Size proportioned to the Wants of the Congregation, leaving the old Churchyard for the general Use of the Parishioners: And whereas many Perpetual Cures and District Parishes have been erected of late Years, and Churches built in them, with small Graveyards intended solely for the Use of the Congregations of such Churches: Be it therefore enacted, That it shall be lawful for the Lord Lieutenant in Council, on Application from the Incumbents of any such Church, to declare the same to be exempt, and which Exemption shall be published in the *Dublin Gazette*, and thereupon such Churchyards shall be exempted from the Operation of this Act. Power to exempt certain Churchyards.

5. This Act shall extend to *Ireland* only. Extent of Act.

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