CHAPTER xxxviii

An Act to make provision with respect to the reconstruction of Coventry Cathedral to provide in connection therewith for the establishment of a Chapel of Unity and a Christian Service Centre and for other purposes.

[31st July 1953.]

WHEREAS—

(1) By the Bishoprics of Bradford and Coventry Act 1918 the diocese of Coventry in the county of Warwick was created and the then existing parish church of Saint Michael Coventry was made the cathedral church of the said diocese:

(2) On the fourteenth day of November one thousand nine hundred and forty by bombing in a German air raid during the Great War of 1939–1945 the said cathedral church with the exception of the tower spire and crypts and certain of the outer walls was totally destroyed:

(3) The Cathedral Council have now in contemplation proposals for the building of a new cathedral church to replace the old church thus destroyed and for its erection upon a site comprising part of the site of the old church and the graveyard thereof together with some adjoining land and architectural plans for this purpose have been prepared and approved by the Cathedral Council and chapter:

(4) It is desired by the Cathedral Council that unless and until they decide otherwise the tower spire and crypts and the outer walls (as existing) of the old church shall be preserved repaired and maintained by them in association with the new cathedral church:

(5) It is proposed by the Cathedral Council that there shall be constructed within the ambit of the new cathedral buildings but forming separate buildings (which will not form part of the cathedral church and will be situate upon land which is not consecrated or if consecrated will be freed from the consequences of consecration and from all trusts uses obligations disabilities and restrictions attributable to such consecration theretofore attaching thereto under ecclesiastical law) the following buildings namely:—

(i) a chapel to be known as "the Chapel of Unity"; and

(ii) a set of buildings with their appurtenances to be known as "the Christian Service Centre";

and that the said chapel and centre shall be permanently maintained and carried on in association with the new cathedral church:

(6) In the year one thousand nine hundred and forty-four an instrument in writing entitled "Coventry Cathedral Christian Service Centre Constitution" (hereinafter referred to as "the centre constitution") was drawn up and approved by the Cathedral Council the House of Clergy of the Diocesan Conference the Diocesan Conference and the Coventry Free Church Federal Council under which the objects of the said chapel and centre were defined and provision was made for the constitution of a body now existing and known and hereinafter referred to as "the joint council" which should be the governing body under the centre constitution and perform the executive work of carrying into effect the objects of the said chapel and centre and have complete administrative control of the said chapel and centre and all buildings used for the purposes thereof and the use and upkeep thereof:

(7) By a trust deed (hereinafter referred to as "the joint council trust deed") dated the tenth day of December one thousand nine hundred and forty-five enrolled and recorded by the Charity Commission on the third day of December one thousand nine hundred and forty-six and recorded in the books of the Charity Commissioners for England and Wales on the twenty-fifth day of February one thousand nine hundred and forty-seven pursuant to the provisions of section 29 (4) of the Settled Land Act 1925 provision was made for the creation of a trust fund comprising the moneys property and investments therein stated and the holding thereof by a body of trustees upon trust to apply the same under the directions of the existing joint council for the purposes therein mentioned being purposes connected with the chapel and centre:

(8) By a deed of trust (hereinafter called "the reconstruction trust deed") dated the tenth day of May one thousand nine hundred and forty-six and recorded in the books of the Charity

Commissioners for England and Wales on the twenty-fifth day of February one thousand nine hundred and forty-seven pursuant to the provisions of section 29 (4) of the Settled Land Act 1925 provision was made for the holding and control by a body of trustees of all moneys and property comprised in a fund to be called "the Coventry Cathedral Reconstruction Fund" then intended to be raised by an appeal for voluntary contributions and for distribution of the net amount of such fund (after deduction of expenses and of gifts allocated expressly by the donors to particular purposes) in the proportions therein mentioned to the chapter and the trustees under the joint council trust deed respectively for application as specified:

(9) It is expedient that provision should be made as in this Act contained for and with respect to the leasing of the said chapel and centre when completed to the joint council:

(10) It is expedient that provision should be made as in this Act contained for and with respect to the alteration of the provisions of the reconstruction trust deed:

(11) It is expedient that such further provisions as are contained in this Act should be enacted:

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

Whereas a plan showing the lands which may be taken or used compulsorily for the purposes or under the powers of this Act and a book of reference to that plan containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of those lands were duly deposited with the clerk of the county council of the administrative county of Warwick and with the town clerk of the city of Coventry and are in this Act respectively referred to as the deposited plan and book of reference:

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 Coventry Cathedral Act 1953.

Incorporation of provisions of Lands Clauses Acts.

2. The Lands Clauses Acts (so far as they are applicable for the purposes of and are not varied by or inconsistent with this Act) are hereby incorporated with this Act except sections 127 to 133 (both sections inclusive) of the Lands Clauses Consolidation Act 1845:

Provided that in and for the purposes of this Act the expression "the promoters of the undertaking" used in the Lands Clauses Acts shall mean the Cathedral Council.

Interpretation.

3. In this Act unless the subject or context otherwise requires—

" the diocese " means the diocese of Coventry and " diocesan " shall be construed accordingly ;

" the constitution " and " the statutes " mean respectively the constitution and the statutes for the government of the cathedral church of St. Michael Coventry contained in a scheme for the said cathedral church made under the Cathedral Measures 1931 and 1934 and confirmed by an Order in Council of His late Majesty King George the Sixth dated the eighteenth day of December one thousand nine hundred and thirty-six ;

" the Cathedral Council " means the Cathedral Council of Coventry Cathedral for the time being in office under the constitution ;

" the chapter " means the Cathedral Chapter of the Cathedral Church of Saint Michael Coventry constituted and incorporated by the constitution ;

" the bishop " means the Bishop of Coventry ;

" the provost " means the Provost of Coventry ;

" the old church " means the cathedral church of Saint Michael Coventry so far as existing at the passing of this Act ;

" the new church " means the new cathedral church for whose construction and consecration as the cathedral church of the diocese in replacement of the old church provision is made by this Act ;

" the chapel " means the Chapel of Unity for the construction maintenance and carrying on of which in association with the new church provision is made by this Act ;

" the centre " means the Christian Service Centre for whose construction maintenance and carrying on in association with the new church provision is made by this Act ;

" land " includes any interest in land and any easement or right in to or over land ;

" the tribunal " means the jury arbitrators umpire or other authority to whom any question of disputed purchase money or compensation under this Act is referred ;

" the city " means the city of Coventry ;

" the corporation " means the lord mayor aldermen and citizens of the city ;

" the signed plan " means the plan which has been signed in duplicate for identification by George John Thomas Collier on behalf of the Cathedral Council and by

Charles Barratt on behalf of the corporation and of which one of the duplicates has been deposited with and shall be retained by the Cathedral Council and the other has been deposited with and shall be retained by the corporation ;

" the centre constitution " means the Coventry Cathedral Christian Service Centre Constitution approved in the year one thousand nine hundred and forty-four by the Cathedral Council the Diocesan Conference the House of Clergy of that conference and the Coventry Free Church Federal Council ;

" the joint council " means the joint council constituted in pursuance of the provisions of the centre constitution and in office immediately before the commencement of this Act ;

" the reconstruction committee " means the body of persons known as " the Coventry Cathedral Reconstruction Committee " (formerly called " the Building Committee " and being successors of a body called " the Reconstruction Fund Committee ") appointed by the Cathedral Council and in office immediately before the commencement of this Act ;

" the joint council trust deed " means the trust deed dated the tenth day of December one thousand nine hundred and forty-five enrolled and recorded by the Charity Commission on the third day of December one thousand nine hundred and forty-six and recorded in the books of the Charity Commissioners for England and Wales on the twenty-fifth day of February one thousand nine hundred and forty-seven pursuant to the provisions of section 29 (4) of the Settled Land Act 1925 ;

" the reconstruction trust deed " means the deed of trust dated the tenth day of May one thousand nine hundred and forty-six and recorded in the books of the Charity Commissioners for England and Wales on the twenty-fifth day of February one thousand nine hundred and forty-seven pursuant to the provisions of section 29 (4) of the Settled Land Act 1925 ;

" the reconstruction fund " means the Coventry Cathedral Reconstruction Fund established in pursuance of the provisions of the reconstruction trust deed.

Powers as to new church old church chapel and centre.

4.—(1) The Cathedral Council may take and execute all necessary measures in accordance with the provisions of this Act for and in relation to the construction of a new cathedral church and such other premises as are in this section mentioned to

replace the cathedral church of Saint Michael destroyed by bombing in the German air raid on the fourteenth day of November one thousand nine hundred and forty.

(2) The new church (subject to the vesting in the chapter of the necessary land so far as the same is not then already vested in them) shall be erected upon a site comprising a part of the site of the old church and the graveyard thereof together with adjoining land.

(3) Doubts having arisen as to whether immediately before the commencement of this Act the freehold of the site of the old church and the graveyard thereof and the buildings thereof (so far as remaining in existence) was vested in the chapter under the constitution and statutes of the cathedral or in the provost as incumbent of the parish church of St. Michael's Coventry it is hereby declared that the said freehold shall be deemed to have been immediately before the commencement of this Act and to be from and after the commencement but subject to the provisions of this Act vested in the chapter.

(4) In conjunction with the construction and maintenance of the new church (subject to the vesting in the chapter of the necessary land so far as the same is not then already vested in them) there may be constructed by the Cathedral Council and shall after construction but subject to the provisions of this Act with respect to leasing be maintained by the Cathedral Council the following buildings (including the provision of such apparatus for draining ventilating heating or lighting or other equipment as would necessarily form or properly be regarded as part of the structure of the building) namely:—

(i) a chapel to be known as " the Chapel of Unity "; and

(ii) a set of buildings (with their appurtenances) to be known as " the Christian Service Centre ".

The said buildings shall be situate upon land which is not consecrated or if consecrated shall be by virtue of this Act free from the consequences of consecration and from all trusts uses obligations disabilities and restrictions attributable to such consecration theretofore attaching thereto under ecclesiastical law.

(5) The Cathedral Council may acquire by agreement any land which they may deem necessary for the purposes of this section so far as the same is not then already vested in the chapter Subject to the provisions of this Act as to the leasing of the chapel and the centre any land so acquired shall be vested in the chapter and may be held by them without licence in mortmain and all buildings works and premises constructed in pursuance of the provisions of this section shall by virtue of this Act be vested in the chapter.

(6) In executing the powers of this section—

(*a*) the Cathedral Council shall defer to the authority and desires and directions of the joint council in relation to any matters affecting the design of the chapel or the centre or the design of the equipment thereof; and

(*b*) subject to the provisions of this Act the Cathedral Council and the joint council shall adhere as far as is reasonably possible to the architectural plans which have already been prepared and approved by the Cathedral Council the chapter and the joint council.

Power to take lands.

5.—(1) Subject to the provisions of this Act the Cathedral Council may enter upon take and use such of the lands delineated on the deposited plan and described in the deposited book of reference as may be required for or in connection with the purposes of this Act.

(2) Subject to the provisions of this Act as to the leasing of the chapel and the centre any land acquired by the Cathedral Council in pursuance of the provisions of this section shall be vested in the chapter and may be held by them without licence in mortmain.

(3) The powers of the Cathedral Council for the compulsory purchase of land under subsection (1) of this section shall cease after the expiration of three years from the first day of October one thousand nine hundred and fifty-three.

(4) Subject to the provisions of this Act the Cathedral Council may enter upon use and appropriate so much of the subsoil and under-surface of any public street road footway or place delineated on the deposited plan and described in the deposited book of reference as shall be necessary for or in connection with the purposes of this Act without being required to purchase the same or any easement therein or thereunder or to make any payment therefor.

(5) The Cathedral Council shall not except with the consent in writing of the Postmaster-General enter upon take or use any lands in which the Postmaster-General has an interest.

Grant of easements by persons under disability.

6.—(1) Any person empowered by the Lands Clauses Acts to sell and convey or release lands may if he thinks fit subject to the provisions of those Acts grant to the Cathedral Council any easement or right required for the purposes of this Act in over or affecting any such lands (not being an easement or right of water in which some person other than the grantor has an interest).

(2) The provisions of the said Acts with respect to lands and rentcharges so far as they are applicable shall extend and apply to any such grant and to any such easement or right as aforesaid.

Correction of errors and omissions in deposited plan and book of reference.

7.—(1) If any omission misstatement or wrong description of any land or of the owner lessee or occupier of any land is found to have been made on the deposited plan or in the deposited book of reference the Cathedral Council after giving ten days' notice to the owner lessee and occupier of the land in question may apply to any two justices having jurisdiction in the city for the correction thereof.

(2) If on any such application it appears to the justices that the omission misstatement or wrong description arose from mistake the justices shall certify the fact accordingly and shall in their certificate state the particulars of the omission or in what respect any matter is misstated or wrongly described.

(3) Any such certificate shall be deposited with the clerk of the county council for the administrative county of Warwick and with the town clerk of the city and thereupon the deposited plan and the deposited book of reference shall be deemed to be corrected according to the certificate and it shall be lawful for the Cathedral Council to take the land in accordance with the certificate.

(4) Any certificate deposited under this section with any person shall be kept by him with the other documents to which it relates.

Acquisition of part only of certain properties.

8.—(1) For the purposes of this Act the following provisions of this section shall have effect in substitution for section 92 of the Lands Clauses Consolidation Act 1845.

(2) No person shall be required to sell a part only of any house building or factory or of a park or garden belonging to a house if he is willing and able to sell the whole of the house building factory park or garden unless the tribunal determines—

(*a*) in the case of a house building or factory that such part as is proposed to be taken can be taken without material detriment to the house building or factory ; or

(*b*) in the case of a park or garden that such part as aforesaid can be taken without seriously affecting the amenity or convenience of the house to which it belongs.

(3) If the tribunal determines as aforesaid compensation shall be awarded in respect of any loss due to the severance of the part proposed to be taken in addition to the value of that part and thereupon the person interested shall be required to sell to the Cathedral Council that part of the house building factory park or garden.

Extinction of private rights of way.

9.—(1) All private rights of way over any land that may be acquired compulsorily under this Act shall as from the acquisition of the land whether compulsorily or by agreement be extinguished.

(2) Any person who suffers loss by the extinguishment of any right under this section shall be entitled to be paid by the Cathedral Council compensation to be determined in case of dispute in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

Disregard of recent improvements and interests.

10. In determining any question of disputed compensation or purchase money payable in respect of land acquired under this Act the tribunal shall not take into account—

(*a*) any improvement or alteration made or building erected after the fifth day of December one thousand nine hundred and fifty-two ; or

(*b*) any interest in the land created after the said date ;

which in the opinion of the tribunal was not reasonably necessary and was made erected or created with a view to obtaining or increasing the compensation or purchase money.

Further powers of entry.

11. At any time after serving a notice to treat in respect of any land that may be acquired compulsorily under this Act but not less than one month after giving the owner and occupier of the land notice of their intention to exercise the powers of this section the Cathedral Council may enter on and take possession of the land or such part thereof as is specified in the last-mentioned notice without previous consent and without compliance with sections 84 to 90 of the Lands Clauses Consolidation Act 1845:

Provided that the Cathedral Council shall pay the like compensation for land of which possession is taken under this section and the like interest on the compensation awarded as would have been payable if the provisions of those sections had been complied with.

Power to make agreements.

12.—(1) The Cathedral Council or the chapter with the concurrence of the Cathedral Council on the one hand and the corporation or any owner or occupier of land or any other body or person on the other hand may enter into and carry into effect any agreement with respect to or for assisting the execution of any of the purposes of this Act including any agreement for or with respect to the acquisition sale or exchange of land or the execution of works or the acquisition variation or extinction of any rights interests or obligations by any party or the compensating of any party for injury or damage of any kind Any land acquired by the Cathedral Council under this section shall be vested in the chapter.

(2) The chapter may hold any land acquired by or vested in them in pursuance of the provisions of this section without

licence in mortmain and may hold without such licence and use for the purposes of this Act any land already acquired by them for those purposes.

As to Priory Row and St. Michael's Avenue.

13.—(1) The Cathedral Council for the purposes and subject to the provisions of this Act may stop up the part of Priory Row shown on the deposited plan as intended to be stopped up and upon such stopping up all rights of way thereover and other rights in respect thereof shall cease and be extinguished save as hereinafter provided and the site and soil of the said part shall by virtue of this Act vest in the chapter so far as the same is not then already vested in the chapter and any land so acquired may be held by the chapter without licence in mortmain:

Provided that such stopping up and vesting shall be subject to the reservation to D. E. Collins & Co. Limited and their successors in title as owners of an adjoining property on which the said D. E. Collins & Co. Limited were carrying on business on the fifteenth day of November one thousand nine hundred and fifty-two of a right of way for persons and vehicles in connection with their said business over the site of that part of Priory Row which extends between the entrance to their premises and the said projection of the east gable of 11 Priory Row.

(2) All rights of way over the footway known as St. Michael's Avenue shall be and are hereby extinguished and that avenue shall cease to be maintainable by the corporation and the Cathedral Council may build over the said footway and may alter the said avenue by partly levelling the same and by placing steps and pillars thereon in accordance with plans to be approved by the corporation.

(3) In conjunction with the stopping up of the said part of Priory Row and the alteration of St. Michael's Avenue as aforesaid the Cathedral Council may require the owners (other than the East Midlands Electricity Board and the corporation with respect to whose apparatus provision is made elsewhere in this Act) of any apparatus in or under the said part of Priory Row or St. Michael's Avenue at the expense of the Cathedral Council to remove or divert away therefrom such apparatus belonging to them respectively and to execute any works necessitated by such removal or diversion.

(4) The Cathedral Council shall not under the powers conferred by subsection (3) of this section require the Postmaster-General to remove or divert any telegraphic line belonging to or used by the Postmaster-General.

(5) Where any part of Priory Row is stopped up in pursuance of the power conferred by this section the following provisions shall unless otherwise agreed in writing between the

Cathedral Council and the Postmaster-General have effect in relation to any telegraphic line belonging to or used by the Postmaster-General which is under in upon over along or across such part of Priory Row at the time of such stopping up:—

(*a*) The power of the Postmaster-General to remove the line shall be exercisable notwithstanding the stopping up of such part of Priory Row so however that the said power shall not be exercisable as respects the whole or any part of the line after the expiration of a period of three months from the date mentioned in subsection (6) of this section unless before the expiration of that period the Postmaster-General has given notice to the Cathedral Council of his intention to remove the line or that part thereof as the case may be;

(*b*) The Postmaster-General may by notice to the Cathedral Council in that behalf abandon the said line or any part thereof and shall be deemed as respects the line or any part thereof to have abandoned it at the expiration of the said period of three months unless before the expiration of that period he has removed it or given notice of his intention to remove it;

(*c*) The Postmaster-General shall be entitled to recover from the Cathedral Council the expense of providing in substitution for the line and any telegraphic line connected therewith which is rendered useless in consequence of the removal or abandonment of the line a telegraphic line in such other place as the Postmaster-General may require;

(*d*) Where under paragraph (*b*) of this subsection the Postmaster-General abandons the whole or any part of a telegraphic line it shall vest in the Cathedral Council and the provisions of the Telegraph Acts 1863 to 1951 shall not apply in relation to the line or part in question as respects anything done or omitted after the abandonment thereof.

(6) As soon as any part of Priory Row has been stopped up the Cathedral Council shall send by post to the Postmaster-General a notice informing him of such stopping up and the period of three months mentioned in subsection (5) of this section shall commence to run from the date on which such notice is sent.

(7) In this section the expression "telegraphic line" has the same meaning as in the Telegraph Act 1878.

For protection of East Midlands Electricity Board.

14. For the protection of the East Midlands Electricity Board (in this section referred to as " the board ") the following provisions shall unless otherwise agreed in writing between the Cathedral Council and the board apply and have effect:—

(1) In this section—

" apparatus " means electric lines and works (as respectively defined in the Electric Lighting Act 1882) belonging to the board;

" in " in a context referring to apparatus includes under over across along or upon;

" position " includes depth:

(2) Notwithstanding anything in this Act or shown on the deposited plan the Cathedral Council shall not acquire any apparatus under the powers of this Act otherwise than by agreement:

(3) Whenever by virtue of the provisions of section 13 (As to Priory Row and St. Michael's Avenue) of this Act any part of Priory Row in which any apparatus is situate is stopped up the board may and if so required by the Cathedral Council shall—

(*a*) remove the apparatus and relay or replace the same in such other position as the board may reasonably determine; or

(*b*) provide and lay or place other apparatus in such other position as aforesaid in lieu of such existing apparatus:

(4) The Cathedral Council shall repay to the board the reasonable expenses incurred by the board in or in connection with—

(*a*) the removal and relaying or replacing of any apparatus or the provision and laying or placing of any new apparatus under the provisions of paragraph (3) of this section; and

(*b*) the reasonable costs of and incidental to (i) the cutting off of any apparatus from any other apparatus and (ii) any other work or thing rendered reasonably necessary in consequence of any such operations as are referred to in this paragraph:

(5) Any difference which may arise between the Cathedral Council and the board under this section shall be referred to a single arbitrator to be agreed upon between the parties or in default of such agreement appointed on the application of either party by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1950 shall apply to any such arbitration:

(6) Subsection (3) of the said section 13 of this Act shall not apply to any apparatus.

Use of parts of graveyard for purposes of Act.

15.—(1) Subject to the provisions of this Act the Cathedral Council and the chapter may appropriate and use for any of the purposes of this Act the site of the old church and the graveyard thereof or any part or parts thereof and any land which is situate within the area edged pink on the signed plan which may be acquired by the Cathedral Council or the chapter in pursuance of the provisions or powers of this Act.

(2) The purposes for which any land may be appropriated and used under the last preceding subsection shall include the provision and maintenance of a parking place or parking places for vehicles and any such parking place or places may be made available for general public use or for use only by particular persons or vehicles or classes of persons or vehicles as the Cathedral Council may direct and subject to the observance of such conditions and regulations and the payment of such charges (if any) as the Cathedral Council may prescribe.

(3) Any part of the site of the old church or the graveyard thereof and any land acquired by the Cathedral Council or the chapter in pursuance of the provisions or powers of this Act if it is appropriated or used for the construction provision or maintenance of a parking place for vehicles or for any other purpose not being a purpose of the new church or the old church or of a consecrated graveyard shall upon such appropriation or use if and so far as it is consecrated land be by virtue of this Act free from the consequences of consecration and from all trusts uses obligations disabilities and restrictions attributable to such consecration theretofore attaching thereto under ecclesiastical law.

Removal of human remains and memorials and alteration of graves.

16.—(1) No part of the graveyard of the old church and no land forming part of the site of the old church in or upon which land there are human remains interred or deposited shall be appropriated or used under the provisions or powers of this Act for any purpose other than as a consecrated graveyard or as part of the site of the old church (as preserved and maintained by the Cathedral Council under the powers of this Act) until any human remains interred or deposited therein or thereon have been removed and reinterred in accordance with the provisions of this section.

(2) The Cathedral Council shall before removing any such remains or disposing of any tombstone monument or other memorial of a deceased person in or upon such graveyard or site—

(*a*) publish in a local newspaper a notice of intention so to do at least once during each of two successive weeks

with an interval between such publications of at least six days and display a like notice in a conspicuous place on such graveyard or site as the case may be ;

(*b*) if the remains were interred or deposited or the memorial was placed in or upon such graveyard or site within twenty-five years prior to the date of the first publication of the said notices serve a like notice on the personal representatives or next-of-kin (or in the event of their being untraceable any known relative) of the deceased person.

(3) Any notice required by the last preceding subsection to be published or served shall contain—

(*a*) the address at which particulars of the deceased persons and the tombstones monuments and other memorials may be inspected ;

(*b*) the name of the burial ground where it is proposed to reinter such remains and the manner in which it is proposed to dispose of such tombstones monuments or other memorials ;

(*c*) a statement as to the right of the personal representatives or relatives of any deceased person on notice in writing (hereinafter in this section called " the required notice ") given to a specified person at a specified address on or before a specified date (being not less than one month from the second of the two publications above prescribed) themselves to undertake the removal and reinterment of the remains of the deceased and the disposal of any tombstone monument or other memorial commemorating the deceased within two months of the date of the required notice ;

(*d*) a statement of any conditions imposed by the bishop with respect to the manner of removal and the place and manner of reinterment of human remains and the disposal of tombstones monuments and other memorials ;

(*e*) a statement as to the extent to which the Cathedral Council are required by this section to defray the expenses of such removal and reinterment or disposal.

(4) (i) The personal representatives or relatives of any deceased person whose remains are interred or deposited in or upon such graveyard or site may on giving the required notice themselves remove and reinter any such remains and may dispose of any tombstone monument or other memorial commemorating the deceased and the Cathedral Council shall defray the cost of such removal and reinterment or disposal as respects the remains removed from any one grave up to the sum of twenty-five pounds

and as respects any tombstone monument or other memorial up to the sum of fifteen pounds.

(ii) If the removal and reinterment or disposal as the case may be has not been carried out by the personal representatives or relatives in accordance with the provisions of this section within two months of the date of the required notice the Cathedral Council may carry out the removal and reinterment or disposal as if the required notice had not been given.

(5) Any human remains interred or deposited in or upon such graveyard or site which have not been removed and reinterred by the personal representatives or relatives of the deceased person within the said two months shall on removal by the Cathedral Council be reinterred and may (notwithstanding anything in the Order in Council dated the first day of May one thousand eight hundred and fifty-five by which it was ordered that burials in such graveyard and in the old church should be discontinued) be reinterred in such graveyard or (with the consent of the cemetery or burial authority) may be reinterred in any cemetery or burial ground deemed by the Cathedral Council reasonably available for the purpose and the Cathedral Council shall in carrying out the reinterment have due regard to the setting apart of any portion of such cemetery or burial ground for burial in connection with any particular religious denomination The remains of more than one person may be so reinterred in a common grave and may be commemorated by a common memorial.

(6) Any tombstone monument or other memorial in or upon such graveyard or site commemorating any deceased person whose remains are reinterred in accordance with the provisions of the last preceding subsection may where reasonably practicable be removed and re-erected by the Cathedral Council over the grave in the graveyard or cemetery or burial ground where the remains are reinterred or in some part of the graveyard of the old church approved for the purpose by the Cathedral Council or on some other appropriate site.

(7) The removal of all human remains shall be effected and the remains reinterred in accordance with the directions of the medical officer of health of the city During removal the land shall be screened from public view.

(8) Upon any removal of remains from such graveyard or site a certificate of removal and reinterment shall be sent to the Registrar-General by the Cathedral Council 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 and every such certificate shall be deposited at the General Register Office with the miscellaneous records in the custody of the Registrar-General.

(9) Where any tombstone monument or other memorial is removed from such graveyard or site or otherwise disposed of the Cathedral Council shall within two months from the date of removal—

(*a*) deposit with the corporation a record of the removal with sufficient particulars to identify the memorial (including a copy of any legible inscription thereon) and showing the date and manner of its removal or disposal and the place (if any) to which it is transferred ;

(*b*) send to the Registrar-General a copy of such record for deposit with the miscellaneous records in the custody of the Registrar-General.

(10) The requirements of this section shall be in addition to any conditions imposed by the bishop with respect to the manner of removal and the place and manner of reinterment of any human remains and the disposal of any tombstones monuments or other memorials and such conditions shall be complied with as if they formed part of this section.

(11) For the purpose of improving the arrangement and amenities of the graveyard of the old church as such graveyard will exist after the carrying into effect of the purposes of this Act the Cathedral Council may alter the soil or the surface level or the position of any contents of any grave therein and may alter the boundaries of any such grave but without reducing the extent of the surface of such grave and may alter the situation of any tombstone monument or memorial in or upon any such grave.

Vesting in corporation of strip of graveyard land.

17.—(1) The Cathedral Council shall in the exercise of the powers of the last foregoing section remove all human remains interred or deposited in the strip of land adjoining Cuckoo Lane which is delineated and hatched on the signed plan and remove therefrom all tombstones monuments or other memorials and upon such removal the Cathedral Council shall give notice thereof to the corporation and upon the date of that notice the said strip of land shall by virtue of this Act and without any further conveyance be transferred to and vest in the corporation.

(2) The said strip of land as from the date of such vesting shall be by virtue of this Act free from the consequences of consecration and from all trusts uses obligations disabilities and restrictions attributable to such consecration theretofore attaching thereto under ecclesiastical law.

Saving for enactments and byelaws.

18. Subject to any express provisions in this Act contained nothing in this Act shall affect the operation of any enactment (whether in a public general or a local Act) or of any byelaws or regulations made thereunder or shall affect the powers of the corporation thereunder.

For protection of corporation.

19.—(1) Except with the consent of the corporation the Cathedral Council shall not construct any buildings or works under the powers of this Act on any land in the city and neither the Cathedral Council nor the chapter shall acquire any land in the city under the powers of section 4 (Powers as to new church old church chapel and centre) or section 12 (Power to make agreements) of this Act unless such land is comprised within the area edged pink on the signed plan.

(2) Except with the consent of the corporation the Cathedral Council shall not use for the purposes of this Act land acquired under section 5 (Power to take lands) of this Act other than land comprised within the area edged pink on the signed plan.

(3) In executing the powers of the said section 4 neither the Cathedral Council nor the joint council shall depart from any architectural plans which have already been approved by the Cathedral Council and the joint council and the corporation except with the consent of the corporation.

(4) No part of Priory Row shall be stopped up under the powers of this Act until—

(*a*) six months after—

(i) all human remains have been removed from the strip of land adjoining Cuckoo Lane which is delineated and hatched on the signed plan ; and

(ii) that strip of land has been vested in the corporation ;

(*b*) the land on the north side of Priory Row immediately adjoining that part of the row which is shown on the deposited plan as intended to be stopped up has been acquired by the Cathedral Council ; and

(*c*) all sewers water mains pipes and apparatus of the corporation situated in or under the said part of the said row have been removed or diverted.

(5) Not less than six months before the Cathedral Council take steps—

(*a*) to stop up any part of Priory Row ; or

(*b*) to build over or alter the footway known as St. Michael's Avenue ;

they shall give notice of their intention to the corporation and in that notice they may require the corporation to remove their sewers water mains pipes and apparatus from such part of Priory Row or St. Michael's Avenue (as the case may be).

(6) Upon receipt of a notice under the last foregoing subsection the corporation may and if so required by the Cathedral Council shall remove their sewers water mains pipes and

apparatus from the said part of Priory Row or from St. Michael's Avenue (as the case may be) and may reconstruct them or construct other sewers water mains pipes and other apparatus in lieu thereof.

(7) All reasonable expense incurred by the corporation in removing and reconstructing their sewers water mains pipes and apparatus under the last foregoing subsection including the cost of acquiring any necessary land or easements and any sum required to be paid for compensation shall be repaid to the corporation by the Cathedral Council.

(8) Until the sewers water mains pipes and apparatus of the corporation are removed from the said part of Priory Row or from St. Michael's Avenue (as the case may be) the corporation shall have full right of access thereto and of inspecting maintaining repairing and renewing the same.

(9) No land shall be used under the powers of this Act for the purposes of a parking place except with the consent of the corporation.

(10) All notices to be given to the corporation under this Act shall be sent to the town clerk of the city of Coventry at the Council House therein.

(11) Any difference that may arise between the Cathedral Council and the corporation under the provisions of this section shall be determined by arbitration the arbitrator unless otherwise agreed being appointed by the Minister of Housing and Local Government.

Leasing of chapel and centre to joint council.

20.—(1) The chapter shall lease the chapel when completed and the centre when completed to the joint council for a term of nine hundred and ninety-nine years at a peppercorn rent and upon and subject to such other terms conditions and covenants as may be agreed upon between the Cathedral Council and the joint council or failing such agreement as may be determined by arbitration in manner provided by the Arbitration Act 1950:

Provided that—

(*a*) the chapter shall not be bound to grant such lease of the chapel or the centre unless and until the cost of construction of the chapel or the centre (as the case may be) has been paid or provided for by the joint council to the satisfaction of the Cathedral Council; and

(*b*) such lease shall make provision among other things for—

(i) payment by the joint council of such part (if any) of the cost of construction of the chapel or the

centre (as the case may be) as may not have been paid by them before the grant of the lease;

(ii) the maintenance and repair of the chapel or the centre (as the case may be) at the cost of the joint council; and

(iii) the determination of the term of the lease (and the consequences to follow such determination) in the event of its being at any time decided by the joint council that such determination is necessary or desirable by reason of the falling of the chapel or the centre (as the case may be) into disuse or for any other reason which the joint council deem sufficient.

(2) The joint council may hold any land leased to them in pursuance of this section without licence in mortmain.

Alteration of trusts under reconstruction trust deed.

21.—(1) All funds and property for the time being comprised in the reconstruction fund or applicable under the provisions of the reconstruction trust deed and not already spent or applied before the commencement of this Act shall be held and applied by the trustees of the reconstruction trust deed in accordance with the provisions of this section and the reconstruction trust deed shall as from the commencement of this Act be deemed to be altered accordingly.

(2) All such funds and property as aforesaid if and so far as they have at the time of their gift subscription promise or bequest been allocated by the donor or testator to any particular purpose shall be applied to that purpose and all such funds and property as aforesaid not so allocated to any particular purpose shall if and so far as they comprise gifts under wills or covenants dated before the commencement of this Act be applied as to three-fourths thereof to purposes connected with the chapel or the centre and as to the remaining one-fourth thereof to purposes connected with the new church or the old church.

(3) Subject to the provisions of the last preceding subsection all such funds and property as aforesaid shall be applied to such one or more of the purposes hereinafter mentioned and in such order as the Cathedral Council may determine subject to any directions of the joint council in regard to any matters affecting the design of the chapel or the centre or the design of the equipment thereof The said purposes are as follows:—

(i) The building of the new church;

(ii) The repair of the old church;

(iii) The purchase of land for the site of the new church;

(iv) The equipment of the new church;

(v) The increasing of the Canons' Endowment Fund or any other endowments of the new church;

(vi) The building of the chapel ;

(vii) The building of the centre ;

(viii) The purchase of land for the site of the chapel and the centre ;

(ix) The equipment of the chapel and the centre ;

(x) The endowment of the centre.

(4) A reference in this section to funds includes funds subscribed for or promised or undertaken to be paid but not at the time in question received and a reference in this section to property includes property promised or undertaken to be given but not at the time in question conveyed or transferred.

(5) A reference in this section to the application of funds or property includes the setting aside thereof for an endowment or to an endowment fund and the payment or transfer thereof to the chapter or to the trustees under the joint council trust deed by the trustees under the reconstruction trust deed in pursuance of the provisions of the latter deed.

Saving for town and country planning.

22.—(1) This Act shall be deemed to be an enactment passed before and in force at the passing of the Town and Country Planning Act 1947 for the purposes of subsection (4) of section 13 and subsection (1) of section 118 of that Act.

(2) Notwithstanding anything contained in the Town and Country Planning General Development Order and Development Charge Applications Regulations 1950 or in any other order that may be made under the said Act of 1947 permission under that Act shall be required in respect of any development in the exercise of the powers of this Act except the erection of buildings in accordance with the architectural plans already approved by the corporation.

Costs of Act.

23. The costs charges and expenses incurred by the Cathedral Council and the chapter and the existing joint council preliminary to and incidental to the preparing applying for and obtaining this Act shall be paid by the Cathedral Council out of their general revenue but fifty per centum of any amount so paid by the Cathedral Council not exceeding seven hundred and fifty pounds shall be repaid to them by the joint council.

Table of Statutes referred to in this Act

Short title	Session and chapter
Lands Clauses Consolidation Act 1845	8 & 9 Vict. c. 18.
Telegraph Act 1878	41 & 42 Vict. c. 76.
Electric Lighting Act 1882...	45 & 46 Vict. c. 56.
Bishoprics of Bradford and Coventry Act 1918...	7 & 8 Geo. 5 c. 57.
Settled Land Act 1925	15 & 16 Geo. 5 c. 18.
Town and Country Planning Act 1947	10 & 11 Geo. 6 c. 51.
Arbitration Act 1950	14 Geo. 6 c. 27.

PRINTED BY HENRY GEORGE GORDON WELCH, C.B.E.
Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament

LONDON: PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE
Price 1*s.* 0*d.* net
PRINTED IN GREAT BRITAIN
(78792)

Coventry Cathedral Act, 1953

1 & 2 ELIZ. 2 **Ch. xxxviii**

ARRANGEMENT OF SECTIONS

Section

1. Short title.
2. Incorporation of provisions of Lands Clauses Acts.
3. Interpretation.
4. Powers as to new church old church chapel and centre.
5. Power to take lands.
6. Grant of easements by persons under disability.
7. Correction of errors and omissions in deposited plan and book of reference.
8. Acquisition of part only of certain properties.
9. Extinction of private rights of way.
10. Disregard of recent improvements and interests.
11. Further powers of entry.
12. Power to make agreements.
13. As to Priory Row and St. Michael's Avenue.
14. For protection of East Midlands Electricity Board.
15. Use of parts of graveyard for purposes of Act.
16. Removal of human remains and memorials and alteration of graves.
17. Vesting in corporation of strip of graveyard land.
18. Saving for enactments and byelaws.
19. For protection of corporation.
20. Leasing of chapel and centre to joint council.
21. Alteration of trusts under reconstruction trust deed.
22. Saving for town and country planning.
23. Costs of Act.