ELIZABETH II



1972 CHAPTER xii

An Act to authorise the use of the burial ground attached to or comprised in the Reigate Congregational Church, and premises appurtenant thereto for building or otherwise; and for purposes incidental thereto. [12th June 1972]

WHEREAS—

(1) The existing church known as the Reigate Congregational Church (hereinafter referred to as " the church ") was originally constructed in or about the year 1831 on a site having a frontage to High Street, Reigate and is used for the purpose of public worship according to the principles and usages of the Congregational denomination:

(2) Adjacent to the church there is a shop, a hall and a house used as caretaker's accommodation and other buildings and there is appurtenant to the church certain other land (which land and the sites of the church and the said shop, hall, house and other buildings are described in the schedule to this Act and are together in this Act referred to as " the church land "):

(3) The church land, or some part thereof, was formerly used as a burial ground for the interment of human remains, but the last known interment was in the nineteenth century, and the burial ground has long been disused:

(4) The Surrey Congregational Union (Incorporated) (hereinafter called " the Union ") is a company incorporated under the Companies Acts 1862 to 1900 authorised by the Lord Chancellor to act as a trust corporation under the provisions of the Law of Property (Amendment) Act 1926 and including among its objects the promotion of the evangelical religion according to the principles and usages of the Congregational denomination:

1926 c. 11.

(5) By the Baptist and Congregational Trusts Act 1951 it was provided that the Union might be appointed to be a trustee of any trust deed relating to certain lands including the church land:

1951 c. xvii.

(6) The freehold of the church land is vested in the Union:

(7) The buildings on the church land are not included in the list of buildings of special architectural or historic interest deposited under the provisions of section 32 of the Town and Country Planning Act 1962:

1962 c. 38.

(8) The church and certain of the said buildings are unsuitable and inconvenient for their present purpose and the needs of the Congregational denomination in the locality could be better served by the provision of a church and associated purpose-built church premises elsewhere in Reigate:

(9) It is expedient that the church land should be freed from all restrictions which may affect the same by reason of the church land having been used as a burial ground or otherwise:

(10) It is therefore expedient that the provisions contained in this Act with respect to the removal from the church land of any human remains interred therein should be enacted:

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

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

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 Reigate Congregational Church Act 1972.

Interpretation.

2.—(1) In this Act, unless the subject or context otherwise requires—

"the church land" means the land described in the schedule to this Act;

"enactment" includes an enactment in this Act or in any general or local Act and any order, byelaw, rule or regulation made under any Act;

"the owner" means the person for the time being receiving the rack-rent of the church land, whether on his own account or as agent or trustee for any other person, or who would so receive the same if the church land were let at a rack-rent;

"the Union" means the Surrey Congregational Union (Incorporated).

(2) Any reference in this Act to any enactment shall be construed as a reference to that enactment as applied, extended, amended or varied by, or by virtue of, any enactment, including this Act.

Discharge of trusts and restrictions affecting church land.

3. As from the passing of this Act the church land shall be discharged from all trusts, uses, obligations, disabilities and restrictions relating or appertaining to the use or setting apart of that land as a place for the interment of human remains which immediately before the passing thereof attached thereto 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 church land or any part thereof.

Power to use church land for other purposes.

4. 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 church land, or any part thereof, for any purpose in like manner as if no part thereof had ever been used or set apart for the interment of human remains.

Removal of human remains from church land.

5.—(1) Before the owner begins to use any part of the church land for any purpose likely to involve the disturbance of human remains, he shall give notice of his intention to remove, or cause to be removed, from that part of the church land the remains of any deceased person found interred therein by publishing a notice once in each of two successive weeks in a newspaper circulating in the borough of Reigate, with an interval between publication of not less than six days, and shall display a like notice in a conspicuous place on that part of the church land and such notice shall have embodied in it the substance of the following provisions 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 church land may give notice in writing to the owner of his intention to undertake the removal of such remains, and thereupon he shall be at liberty to cause such remains to be removed to and re-interred in any burial ground or cemetery in which burials may legally take place, or removed to and cremated in any crematorium, and forthwith after such re-interment or cremation shall provide to the owner a certificate for the purpose of enabling the owner to comply with the provisions of subsection (6) of this section.

(3) (*a*) If any person giving such notice as aforesaid fails to satisfy the owner 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 county court, and the court shall have power to make an order specifying who shall remove the remains and as to the payment of the costs of the application.

(*b*) Any jurisdiction or power conferred on the county court by this subsection may be exercised by the registrar of the court.

(4) The expenses of such removal and re-interment or cremation (not exceeding in respect of remains removed from any one grave the sum of seventy-five pounds) shall be defrayed by the owner, such sum to be apportioned if necessary equally according to the number of remains in the grave.

(5) If—

(*a*) within the aforesaid period of two months no such notice as aforesaid shall have been given to the owner in respect of the remains in any grave; or

(*b*) within two months after such notice has been given no application has been made under subsection (3) of this section and the person who gave the notice fails to remove the remains; or

(*c*) within two months after any order is made by the county court under the said subsection any person other than the owner specified in the order fails to remove the remains;

the owner shall remove the remains of the deceased person and cause them to be re-interred in such burial ground or cemetery in which burials may legally take place, or removed to and cremated in such crematorium, as the owner thinks suitable for the purpose.

(6) Upon any removal of remains from the church land a certificate of removal and re-interment or cremation shall be sent to the Registrar General by the owner giving the date of re-interment or cremation and identifying the place from which the remains were removed and the place in which they were re-interred or cremated, showing the particulars of each removal separately.

(7) (*a*) Subject to the provisions of this subsection, any monument or tombstone relating to the remains of a deceased person removed under this section shall, at the request of such personal representative or relative as aforesaid and at the expense of the owner, be removed to and re-erected at the place of re-interment or cremation of such remains or at such other suitable place as may be agreed between such personal representative or relative and the owner, or, in default of such agreement, as the county court may direct on the application of such personal representative or relative, or of the owner.

(*b*) The owner shall cause a record to be made of each monument and tombstone taken from the church land under this section containing—

(i) a copy of the inscription thereon; and

(ii) if it is intended to preserve the monument or tombstone, a statement naming the place, if any, where it has been re-erected;

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

(*c*) Where the owner considers that, by reason of its illegible or ruinous condition, a monument or tombstone removed under this subsection is unsuitable for re-erection, the owner may dispose of the monument or tombstone in such manner as he thinks fit.

(8) The removal of the remains of any deceased person under this section shall be carried out in accordance with any directions that may be given by the Secretary of State.

(9) In order that the requirements of this section relating to the removal of human remains from the church land shall be recorded in perpetuity a Queen's Printer's copy of this Act shall be deposited with the town clerk of the borough of Reigate and shall be registered in the register of local land charges, in such manner as may be prescribed by the Land Charges Act 1925 by the said town clerk. 1925 c. 22.

Saving for Town and Country Planning Act.
1971 c. 78.

6. Section 289 of the Town and Country Planning Act 1971 (which for the avoidance of doubt declares that the provisions of that Act and any restrictions or powers thereby imposed or conferred in relation to land apply to land notwithstanding that provision is made by any local Act passed before or during the Session 10 & 11 Geo. 6 for authorisation or regulation of development of the land) shall apply to this Act as if it had been passed during that session; and accordingly the Town and Country Planning Act 1971 and orders, regulations, rules, schemes and directions made or given thereunder shall apply to development authorised by this Act.

Costs of Act.

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

SCHEDULE

DESCRIPTION OF CHURCH LAND

All that piece of land in the borough of Reigate, containing 32,920 square feet or thereabouts, having a frontage to High Street of 67 feet or thereabouts and an overall depth of 335 feet or thereabouts and comprising the site of the Reigate Congregational Church and land adjacent or appurtenant thereto including the said church, and the shop, hall, caretaker's residence and other buildings constructed thereon.

PRINTED IN ENGLAND BY OYEZ PRESS LTD.

FOR C. H. BAYLIS, C.B.

Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament

LONDON: PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE

10½p net

SBN 10 511272 0

Reigate Congregational Church Act 1972

CHAPTER xii

ARRANGEMENT OF SECTIONS

Section

1. Short title.
2. Interpretation.
3. Discharge of trusts and restrictions affecting church land.
4. Power to use church land for other purposes.
5. Removal of human remains from church land.
6. Saving for Town and Country Planning Act.
7. Costs of Act.

SCHEDULE—Description of church land.