Saint Mildred, Bread Street Act 1969

CHAPTER xvii

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ELIZABETH II

1969 CHAPTER xvii

An Act to free land appurtenant to the former church of Saint Mildred, Bread Street, in the City of London, from the restrictions attaching to it as a disused burial ground in the City of London; to authorise the disposition thereof and the use thereof for other purposes; and for purposes incidental thereto. [16th May 1969]

WHEREAS the land described in the Schedule to this Act (hereafter called "the scheduled land") comprises or includes burial ground appurtenant to the former church of Saint Mildred, Bread Street, in the City of London (hereafter called "the former church"):

And whereas the former church, which was situate on land adjacent to the scheduled land, was destroyed by enemy action in 1941 with the exception of the tower forming part thereof, the lower part of which is still standing adjacent to the scheduled land but is in a dilapidated condition:

1944 No. 1.

And whereas, by virtue of a Reorganisation Scheme for th City of London made under the Reorganisation Areas Measur 1944 and coming into force on the 2nd February, 1954, the former parish of Saint Mildred, Bread Street, now form of the united parish (hereafter called "the united paris Saint Mary le Bow with Saint Pancras Soper Lane, All Hallow Honey Lane, All Hallows Bread Street, Saint John-the-Evangeli Watling Street, Saint Augustine with Saint Faith under Saint Paul and Saint Mildred Bread Street with Saint Margaret Moyse

And whereas the said scheme authorised the closing an demolition of the remains of the former church (including tower), vested the site thereof in the London Diocesan Fund an authorised the sale, letting or exchange of that site:

And whereas the freehold of so much of the scheduled la comprises burial ground (the precise boundaries of which cannot now be determined) is vested in the incumbent of the benefi of the united parish, the present incumbent thereof being t Reverend Joseph McCulloch, and the freehold of the remainder of the scheduled land is vested in the London Diocesan Fund

And whereas burials in the said burial ground were discontinue as from 15th August, 1853, in pursuance of an Order in Council of Her late Majesty Queen Victoria dated the 8th August, 1853

And whereas it is expedient that the provisions in this Act contained with respect to the sale, leasing, use and disposition of the scheduled land and the removal therefrom of any human remains interred therein, and the application of the proceeds of such sale, leasing or other disposition, should be enacted:

And whereas it is expedient that the other provisions contained in this Act should be enacted:

And whereas the Right Reverend and Right Honourable Father in God, Robert, by divine permission Lord Bishop of London, has consented to the provisions of this Act:

And whereas 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 Saint Mildred, Bread Street Act 1969.

Interpretation.

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

"the bishop" means the Bishop of London for the time being, and during a vacancy in the see of London includes the guardian of the spiritualities thereof;

"the diocese" means the diocese of London;

"the fund" means the London Diocesan Fund;

"the incumbent" means the incumbent for the time being of the united benefice of the parish or, during any period when that benefice is vacant, the bishop;

"the parish" means the united parish of Saint Mary le Bow with Saint Pancras Soper Lane, All Hallows Honey Lane, All Hallows Bread Street, Saint John-the-Evangelist Watling Street, Saint Augustine with Saint Faith under Saint Paul's and Saint Mildred Bread Street with Saint Margaret Moyses;

"the scheduled land" means the land described in the Schedule to this Act.

(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 subsequent enactment, including this Act.

Vesting of part of scheduled land.

3. So much of the scheduled land as is immediately before the passing of this Act vested in the incumbent shall on the passing of this Act vest in the fund for an estate in fee simple subject to the provisions of this Act.

Sale, etc., of scheduled land and application of proceeds as from the passing of this Act.

4.—(1) The fund may sell, lease or otherwise dispose of the scheduled land, or any part thereof, for such price or consideration, in such manner and upon and subject to such terms and provisions the fund may think fit.

(2) All moneys received by the fund under the foregoing subsection shall be applied as follows:—

(a) in defraying the costs, charges and expenses of the preparing, applying for, obtaining and passing of this Act or otherwise in relation thereto pursuant to section 9 (Costs of Act) of this Act;

(b) in defraying the costs and expenses of the removal and reinterment or cremation of human remains under section 7 (Removal of human remains from scheduled land) of this Act;

(*c*) as to one-half part of the net residue thereof, in establis
a fund to be held upon trust to apply the same (as to
both capital and income) at the request of the parochia
church council of the parish in or towards the ma
ance from time to time of the church of Saint M
Bow;

(*d*) as to the remaining one-half part of the said net re
and as to both capital and income, for the genera
purposes of the fund.

Discharge of trusts, etc., and saving for private rights.

5. As from the passing of this Act the scheduled land sh
freed and discharged from all trusts, uses, obligations, disabiliti
and restrictions whatsoever (including the effects of consecratio
which immediately before the passing of this Act attached thereto
under ecclesiastical law or otherwise, and from all rights and
interests of any person who is an executor, administrator
relative of any deceased person whose remains are interred in
the said land or any part thereof, and from all other trusts, uses
obligations, disabilities and restrictions whatsoever which attached
thereto immediately before the passing of this Act by reason of
the said land or any part thereof having been or formed th
enclosure of a church, or having been used or set apart for th
interment of human remains:

Provided that nothing in this Act shall operate to affect
prejudicially any private right or easement (not being a right in
respect of a grave) over the said land or any part thereof which
attached thereto immediately before the passing of this Act.

Power to use scheduled land 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
scheduled land, or any part thereof, for any purpose in like
manner as if no part thereof had ever been or formed the enclosure
of a church, or been used or set apart for the interment of human
remains.

Removal of human remains from scheduled land.

7.—(1) Before the scheduled land or any part thereof is used
for any 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 fund shall
give notice of their intention to remove, or cause to be removed,
from the scheduled land or that part thereof the remains of any
deceased person which may be found to have been interred therein
by publishing a notice once in each of two successive weeks in a
newspaper circulating in the City of London with an interval
between publications of not less than six days, and shall display
a like notice in a conspicuous place on the scheduled land and
such notice shall have embodied in it the substance of sub-
sections (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 the scheduled land or that part thereof may give notice in writing to the fund 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) or be removed to and cremated in any crematorium.

(3) If any person giving such notice as aforesaid shall fail to satisfy the fund 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 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 or cremation not exceeding in respect of remains removed from any one grave the sum of seventy-five pounds) shall be defrayed by the fund, 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 fund in respect of the remains in any grave, or if after such notice has been given the person giving the same shall fail within one month to cause such remains to be removed in compliance with the provisions of this section and with any regulation of the bishop, the fund, 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 fund think suitable for the purpose (but in the case of a churchyard, only with the consent of the incumbent of the benefice concerned) or cremated in such crematorium as the fund think suitable for the purpose.

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

(7) The removal of the remains of any deceased person this section shall, in relation to matters falling within his funct be carried out under the supervision and to the rea satisfaction of the medical officer of health of the City of Londo

Saving for town and country planning.

8. The provisions of the Town and Country Planning Act 1962 to 1968 and any restrictions or powers thereby imposed o conferred in relation to land shall apply and may be exercised relation to any land, notwithstanding that the development ther is or may be authorised or regulated by or under this Act.

Costs of Act.

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

SCHEDULE

DESCRIPTION OF LAND REFERRED TO IN THIS ACT Section 2.

A piece of land in the City of London situate on the eastern side of Bread Street comprising burial ground appurtenant to the former church of Saint Mildred, Bread Street, and including (so far as the same is not within the area of the said burial ground) land adjacent to and on the south side of the remains of the tower of the said former church, but not including the site of the former premises known as No. 38 Bread Street; such land being bounded on the northern and eastern sides partly by the site of the said former church, and the remains of the said tower forming part thereof and partly by property (now owned by Haslemere Estates Limited) known as No. 92 Queen Victoria Street; on the southern side by property (now owned by the Greater London Council and used as a car park) situate at the corner of Queen Victoria Street and Bread Street; and on the western side by the site of the said former premises known as No. 38 Bread Street.

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