The Town and Country Planning (Churches, Places of Religious Worship and Burial Grounds) Regulations, 1950

1950 No. 792

Made - - - -	17*th May*, 1950
Laid before Parliament	18*th May*, 1950
Coming into Operation	24*th May*, 1950

B4301

The Minister of Town and Country Planning in exercise of the powers conferred upon him by Section 28 of the Town and Country Planning Act, 1944(a), as amended by Section 113 of the Town and Country Planning Act, 1947(b), and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

1. These Regulations may be cited as the Town and Country Planning (Churches, Places of Religious Worship and Burial Grounds) Regulations, 1950, and shall come into force on the twenty-fourth day of May, 1950.

2.—(1) In these Regulations unless the context otherwise requires—

"the Act" means the Town and Country Planning Act, 1944, as amended by the Town and Country Planning Act, 1947;

"the Minister" means the Minister of Town and Country Planning;

"acquiring or appropriating authority" includes any person deriving title from or under that authority;

"the appropriate denominational authority" means, in the case of consecrated land, the Bishop, and in the case of any other land, such person or persons as shall be designated for the purpose by the controlling body of the religious denomination for whose purposes the land has been or is being used;

"the Bishop" means the Bishop of the diocese in which the land is situate;

"land" means any land which has been or is deemed by virtue of paragraph 19 of the Tenth Schedule to the Town and Country Planning Act, 1947, to have been acquired by a purchasing authority under Part IV of that Act or has been appropriated by a local authority as mentioned in subsection 1 of Section 19 of the Act and which at the time of acquisition or appropriation was consecrated land, or included any church or other building used or formerly used for religious worship, or the site thereof, or consisted of a burial ground or part of a burial ground;

"medical officer of health" includes a district medical officer of health under the Public Health (London) Act, 1936(c).

(2) The Interpretation Act, 1889(d), shall apply to these Regulations as it applies to the interpretation of an Act of Parliament.

3.—(1) No consecrated land shall be used by the acquiring or appropriating authority so long as any church or other building used or formerly used for religious worship, or any part thereof, remains on such land, without the consent of the Bishop having been obtained.

(a) 7 & 8 Geo. 6. c. 47. (b) 10 & 11 Geo. 6. c. 51.
(c) 26 Geo. 5. & 1 Edw. 8. c. 50. (d) 52 & 53 Vict. c. 63.

(2) The use of any land by the acquiring or appropriating authority so long as any church or other building used or formerly used for religious worship, or any part thereof, remains on such land, shall, in the case of consecrated land, be subject to the like control as is imposed by law in the case of a similar use authorised by an enactment other than the Act or by a Measure, and in the case of any other land, be for such religious, charitable, educational, municipal or other purposes as are not inconsistent with the last use of the land by the religious denomination at or before the date of acquisition or appropriation:

Provided that in the case of land other than consecrated land, the Minister may, on presentation by the acquiring or appropriating authority of a certificate from the appropriate denominational authority that no objection is raised by that authority to any particular use of the land, authorise such use.

4. The fixtures and furnishings of any church or other building used for religious worship situate on the land shall be at the disposal of the appropriate denominational authority as that authority may think fit, and where any such fixtures and furnishings are not disposed of by that authority within three months of the date of acquisition or appropriation, the acquiring or appropriating authority shall, before disposal, cause to be defaced such ornamentation, symbols and inscriptions as the appropriate denominational authority may require.

5. When a church or other building used for religious worship has ceased to be used as such by reason of the land forming the site thereof having been acquired or appropriated under the Act, the appropriate denominational authority shall, except where the marriage registers are dealt with under Section 62 of the Marriage Act, 1949(**a**), forward or cause to be forwarded the current marriage registers kept for the building to the Registrar General in order that they may be formally closed and one of them retained by him or transmitted to the appropriate denominational authority for retention and the other forwarded to the superintendent registrar of the registration district concerned ; and all other birth, baptismal, marriage, burial or death registers, if not removed from the building by the said authority for retention by that authority within three months of the date of acquisition or appropriation, shall be forwarded by the acquiring or appropriating authority to the Registrar General.

6. No land which at the time of acquisition or appropriation consisted of a burial ground or part of a burial ground shall be used by the acquiring or appropriating authority until the human remains therein have been removed and reinterred in accordance with the requirements prescribed by the following Regulations:

Provided that nothing in this Regulation shall affect any powers expressly conferred on local authorities with respect to open spaces or burial grounds under the Open Spaces Act, 1906(**b**), or any other enactment.

7. The person in whom the land is vested shall, before removing any human remains, or disposing of any tombstone, monument or other memorial of a deceased person—

(*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 each publication of at least six days and display a like notice in a conspicuous place in the burial ground ;

(a) 12, 13 & 14 Geo. 6. c 76. (b) 6 Edw. 7. c. 25.

(*b*) serve a like notice on the appropriate denominational authority;

(*c*) if the remains were interred in, or the memorial placed on, the land within twenty-five years prior to the date of the first publication of the said notice, 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.

8. Any notice required by the last preceding Regulation to be published or served shall contain—

(*a*) the address at which particulars of the deceased persons and the tombstones, monuments and other memorials concerned 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 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 from the date of the required notice;

(*d*) a statement of any directions that have been given by the Secretary of State with respect to the removal and reinterment of human remains; and in the case of consecrated land of any requirements 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 person in whom the land is vested is required by these Regulations to defray the expenses of such removal and reinterment or disposal.

9.—(1) The personal representatives or relatives of any deceased person whose remains are interred in the land 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 person in whom the land is vested 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.

(2) 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 these Regulations within two months from the date of the required notice, the person in whom the land is vested may carry out the removal and reinterment or disposal as if the required notice had not been given.

10. Any human remains interred in the land 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 person in whom the land is vested, be reinterred in such land as may be indicated as being reasonably available for the purpose by the appropriate denominational

authority, and failing any such land being so indicated, shall be reinterred in any cemetery or burial ground, and the person in whom the land is vested 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.

11. Any tombstone, monument or other memorial on the land commemorating any deceased person whose remains are reinterred in accordance with the provisions of the last preceding Regulation may, where reasonably practicable, be removed and re-erected by the person in whom the land is vested over the grave in the burial ground where the remains are reinterred or on some other appropriate site.

12. The removal of all human remains shall be effected, and the remains reinterred, in accordance with the directions of the medical officer of health for the district where the land is situate. During removal the ground shall be screened from public view and wooden shells shall be provided where the coffin has perished.

13. Upon any removal of remains from the land a certificate of removal and reinterment shall be sent to the Registrar General by the person in whom the land is vested 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.

14. Any tombstone, monument or other memorial not disposed of in accordance with Regulation 9 or 11 shall be offered by the person in whom the land is vested to the appropriate denominational authority for disposal as that authority thinks fit, and if not accepted by that authority, shall be broken and defaced before being disposed of otherwise.

15. Before disposing of any tombstone, monument or other memorial or taking any action under the preceding Regulation the person in whom the land is vested shall, if so required by the Minister, submit particulars of such tombstone, monument or memorial to the Royal Fine Art Commission for a report, and shall forward a copy of such report to the Minister, and where the Minister has so required such submission the person in whom the land is vested shall not dispose of the tombstone, monument or memorial except in accordance with such directions as may be given by the Minister.

16. Where any tombstone, monument or other memorial is removed from the land the person in whom the land is vested shall within two months from the date of removal—

(*a*) deposit with the council of the county borough or county district, or in the case of land in the administrative county of London with the Common Council of the City of London or the council of the metropolitan borough, a record of the removal with sufficient particulars to identify the memorial (including a copy of any inscription thereon) and showing the date and manner of its removal and 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.

17. The requirements of these Regulations shall be in addition to such reasonable conditions if any as may be imposed in the case of consecrated ground 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 with any directions given in any case by the Secretary of State with respect to the removal and reinterment of any human remains, and such conditions and such directions shall be complied with as if they formed part of these Regulations.

18. The Town and Country Planning (Churches, Places of Religious Worship and Burial Grounds) Regulations, 1948(**a**), are hereby revoked but without prejudice to any conditions imposed or any consent, certificate or direction given thereunder, and so that where any notice has been published or any submission has been required thereunder, those Regulations shall continue in force and have effect in relation to the matters referred to in such notice or requirement.

Dated this seventeenth day of May, 1950.

Given under the Official Seal of the Minister of Town and Country Planning.

Hugh Dalton,
Minister of Town and Country Planning.

EXPLANATORY NOTE

(This Note is not part of these Regulations, but is intended to indicate their general purport.)

These Regulations are made under Section 28 of the Town and Country Planning Act, 1944, as amended by the Town and Country Planning Act, 1947, and replace the previous regulations made under that Section (S.I. 1948, No. 401) which applied only to land acquired or appropriated for the purposes of the 1944 Act. The Regulations prescribe the conditions governing the use of land, consecrated or otherwise, acquired under the Town and Country Planning Acts or appropriated for the purposes thereof and occupied or formerly occupied as churches, places of religious worship or burial grounds. The Regulations also include conditions relating to the removal and reinterment of human remains and the disposal of memorials and registers.

(a) S.I. 1948 (No. 401) I, p. 4101.