



# Ecclesiastical Jurisdiction and Care of Churches Measure 2018

2018 No. 3

## PART 4

### FACULTY JURISDICTION

#### *Subject-matter of faculty*

#### **64 Erection of building on disused burial ground**

- (1) The consistory court of a diocese may, in spite of section 3 of the Disused Burial Grounds Act 1884 (which prohibits the erection of a building on a disused burial ground except for the purpose of enlarging a place of worship), grant a faculty permitting the erection of a building on a disused burial ground in the diocese otherwise than for the purpose specified by that section, if either of the following conditions is satisfied.
- (2) The first condition is that no interments have taken place in the land on which the building is to stand during the period of 50 years preceding the date of the petition for the faculty.
- (3) The second condition is that—
  - (a) no personal representative or relative of a person whose remains have been interred in the land during that period has objected to the grant of the faculty, or
  - (b) any such objection has been withdrawn.
- (4) The power conferred by this section does not affect any other power which the court has to authorise the erection of a building on a burial ground.
- [<sup>F1</sup>(5) Relative”, in relation to a person, means—
  - (a) a spouse or civil partner, parent or grandparent or child or grandchild of the person, or
  - (b) a person who is, or is the child of, a brother, sister, uncle or aunt of the person.

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*Changes to legislation: There are currently no known outstanding effects for the Ecclesiastical Jurisdiction and Care of Churches Measure 2018, Section 64. (See end of Document for details)*

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- (6) The reference in subsection (5)(a) to a person's spouse includes a reference to a spouse of the same sex as that person.]

**Textual Amendments**

- F1** S. 64(5)(6) inserted (1.9.2020) by [Church of England \(Miscellaneous Provisions\) Measure 2020 \(No. 1\)](#), **ss. 6(11)**, 16(3); S.I. 2020/835, art. 2

**Commencement Information**

- II** S. 64 in force at 1.9.2018 by [S.I. 2018/720](#), **art. 2**

**Changes to legislation:**

There are currently no known outstanding effects for the Ecclesiastical Jurisdiction and Care of Churches Measure 2018, Section 64.