



Ecclesiastical Jurisdiction and Care of Churches Measure 2018

2018 No. 3

PART 5

MISCELLANEOUS

Burials and consecration

90 Reservation of right to burial in land added to churchyard

- (1) This section applies where a person, by way of a gift, transfers land which is to be added to a consecrated churchyard as referred to in section 89; and it does not matter whether or not the person resides in the parish in which the churchyard is situated.
- (2) The person may reserve the exclusive right in perpetuity of burial and of placing monuments and gravestones in a part of the added land; but that part must not exceed one-sixth of the area of the whole of the added land.
- (3) Where the right under subsection (2) is reserved, the part in question must be shown and coloured on the plan referred to in section 89.
- (4) A memorandum in the following form must be written on the instrument referred to in that section—

“We, ... (*Rector, Vicar or Incumbent*) and ... and ..., Churchwardens, of ... declare the piece of land (*insert description and measurement*), and coloured ... on this plan, to be the burial place of ..., the giver of the land added to the churchyard of ... , his or her heirs and assigns. Signed ... Witnessed ... Dated ...”
- (5) The memorandum must be signed by the incumbent and churchwardens of the parish in which the churchyard is situated, with each signature being witnessed; and the memorandum must specify the date on which it is signed and witnessed.

Status: Point in time view as at 01/09/2018.

Changes to legislation: There are currently no known outstanding effects for the Ecclesiastical Jurisdiction and Care of Churches Measure 2018, Section 90. (See end of Document for details)

- (6) Once the memorandum has been signed and witnessed, and the land has been declared to be consecrated, the memorandum operates as an exclusive right in perpetuity in the specified land.
- (7) The right forms part of the real estate of the person who reserved the right or of any successor in title to the right.
- (8) The costs of preparing and executing the memorandum are to be borne by the person by whom the reservation is made.
- (9) “Land” includes messuages, tenements and hereditaments, houses and buildings of any tenure.

Commencement Information

II [S. 90](#) in force at 1.9.2018 by [S.I. 2018/720](#), [art. 2](#)

Status:

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