



Disused Burial Grounds (Amendment) Act 1981

1981 CHAPTER 18

2 Disposal of human remains.

- (1) Where any human remains are interred in such land no building shall be erected upon it otherwise than in accordance with section 3 of the principal Act unless:—
 - (a) the human remains have been removed and reinterred or cremated in accordance with the provisions of the Schedule to this Act; and
 - (b) any tombstones, monuments or memorials commemorating the deceased persons have been dealt with in accordance with those provisionsand the other requirements of the said Schedule have been complied with in respect thereof.
- (2) Where it appears to the Secretary of State that the erection of building on such land or any part of it will not involve the disturbance of human remains, he may on the application by or on behalf of the church or other religious body owning the land or on whose behalf it is held, and (where appropriate) after consultation with the Commission, by order provide for dispensing with the requirements (so far as they concern human remains) of subsection (1) of this section and of the said Schedule, subject to such conditions, restrictions and requirements as he may prescribe.
- (3) Any order made under the last foregoing subsection may be amended or revoked by a subsequent order made in like manner and subject to the like conditions on the application by or on behalf of such church or other religious body and if at any time the requirements of subsection (1) of this section and of the said Schedule are complied with in respect of the land, the order shall cease to have effect.
- (4) Where an order is made under this section in respect of any land, a copy thereof, certified by or on behalf of the Secretary of State to be a true copy, shall be ^[F1] sent to the Chief Land Registrar,] and the order shall be a local land charge.
- (5) Where by virtue of any such order human remains are not removed and reinterred or cremated:

Changes to legislation: There are currently no known outstanding effects for the Disused Burial Grounds (Amendment) Act 1981, Section 2. (See end of Document for details)

- (a) notice shall be given in accordance with the provisions of the said Schedule if a grave will be rendered inaccessible by the erection of a building; and
 - (b) the requirements of subsection (1) of this section and of the said Schedule so far as they relate to tombstones, monuments and memorials shall nonetheless apply.
- (6) Where there is situated on such land any monument or memorial commemorating a deceased person whose remains are not interred in the land, no building shall be erected upon it unless the monument or memorial has been dealt with in such manner as the church or other religious body owning the land or on whose behalf it is held, or (where appropriate) the Commission, has determined.
- (7) The provisions of section 25 of the ^{M1}Burial Act 1857 (prohibition of removal of human remains without the licence of the Secretary of State except in certain cases) shall not apply to a removal carried out in accordance with the provisions of the said Schedule.

Textual Amendments

- F1** Words in [s. 2\(4\)](#) substituted (12.4.2015) by [Infrastructure Act 2015 \(c. 7\)](#), s. 57(5)(e), [Sch. 5 para. 36](#) (with [Sch. 5 Pt. 4](#))
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Marginal Citations

- M1** [1857 c. 81](#).

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