



Burial Ground Act 1816

1816 CHAPTER 141 56 Geo 3

An Act for enabling Ecclesiastical Corporate Bodies under certain Circumstances to alienate Lands for enlarging Cemeteries or Churchyards. [2nd July 1816]

Modifications etc. (not altering text)

- C1 Short title given by [Short Titles Act 1896 \(c. 14\)](#)
- C2 Preamble omitted under authority of [Statute Law Revision \(No. 2\) Act 1890 \(c. 51\)](#)

[1.] Bodies corporate may sell portions of land adjoining cemeteries for enlarging thereof;

It shall and may be lawful for any spiritual or ecclesiastical body corporate or spiritual person, being a corporation sole, possessing any land adjacent to any cemetery, churchyard, or burying ground, to sell, by indenture of bargain and sale, inrolled in the [^{F1}High Court] within six calendar months, for the purpose of consecration, such portion thereof as may be deemed necessary for enlarging any such cemetery, churchyard, or burying ground not exceeding one acre.

Textual Amendments

- F1 Words substituted by virtue of [Supreme Court of Judicature \(Consolidation\) Act 1925 \(c. 49\)](#) s. 224(1)

2 with certain consents. Value of the land to be ascertained. If above 100l. other lands to be conveyed in exchange. Application of the money if under that value.

Provided always, that in case of any spiritual person, being a corporation sole, the consent of the lord bishop of the diocese or ordinary, and of the patron of the living held by such corporation sole, shall be testified by their being parties to the alienation of the said land; and that previously thereto the value of such land shall be ascertained, and, together with a description thereof, be committed to writing by some competent person, to be named and appointed by the ordinary; which person so appointed shall verify the same on oath before some one of his Majesty's justices of the peace ^{F2}...,

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Changes to legislation: There are currently no known outstanding effects for the Burial Ground Act 1816. (See end of Document for details)

which oath the said justice is hereby empowered to administer; and in case the value shall appear to exceed one hundred pounds, that other lands, of at least an equal value, estimated and verified in manner aforesaid, shall be well and legally conveyed to and for the same uses as the lands conveyed by the said spiritual persons or corporations sole, and as the consideration thereof; and in case the value shall appear not to amount to one hundred pounds but shall exceed twenty pounds, such value shall be paid to the [^{F3}Church Commissioners], to be by them used and applied for the benefit of such spiritual person or corporation sole, in the same manner as they are now empowered by law to use and apply other sums of money coming into their hands; and in case the value shall not amount to twenty pounds, the said value shall be paid in money to such spiritual person or corporation sole, to be by him applied at his own discretion.

Textual Amendments

- F2** Words in s. 2 repealed (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), s. 110(1), Sch. 8 para. 6, **Sch. 10**; S.I. 2005/910, art. 3(y)
- F3** Words substituted for reference to governors of Queen Anne's Bounty by virtue of [Church Commissioners Measure 1947 \(No. 2\)](#), s. 18(2)
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Modifications etc. (not altering text)

- C3** S. 2 amended (E.) (1.4.1996) by S.I. 1996/674, regs. 1(2), 2, **Sch. Pt. II para. 5(2)(d)**
S. 2 amended (W.) (1.4.1996) by S.I. 1996/675, arts. 1(2), 2, **Sch. Pt. II para. 7(2)(d)**

3 Limiting the time within which alienations may be questioned.

Provided always, that no alienation made by virtue of this Act shall be questioned after the expiration of twenty years from the time of such alienation on account of any want of compliance with the forms prescribed by this Act.

4 Burial ground to be discharged of adverse titles, &c. after 20 years from the consecration thereof.

All ground which has been or shall be consecrated as burial ground shall after twenty years from the time of such consecration be considered as discharged from all adverse titles, claims, and demands whatsoever, and as absolutely vested in the trustee or trustees, if any, thereof; and if there should not be any such trustee or trustees, then in the vicar or perpetual curate, if any, for the time being; and if there should not be any vicar or perpetual curate, then in the rector for the time being of each parish in which such burial ground is or shall be situate.

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