



Consecration of Churchyards Act 1867

1867 CHAPTER 133 30 and 31 Vict

U.K.

An Act relating to the Consecration of Churchyards.

[20th August 1867]

Modifications etc. (not altering text)

C1 Preamble omitted under authority of [Statute Law Revision Act 1893 \(c. 14\)](#)

Commencement Information

I1 Act wholly in force at Royal Assent

F1 **Power for bishop to sign instrument of consecration at churchyard without presence of chancellor, &c.** **U.K.**

Textual Amendments

F1 [S. 1](#) repealed (1.9.2018) by [Ecclesiastical Jurisdiction and Care of Churches Measure 2018 \(No. 3\)](#), s. 99(2), [Sch. 5](#) (with [Sch. 4 Pt. 1](#)); S.I. 2018/720, art. 2

F2 **No officer attending to take fee.** **U.K.**

Textual Amendments

F2 [S. 2](#) repealed (1.9.2018) by [Ecclesiastical Jurisdiction and Care of Churches Measure 2018 \(No. 3\)](#), s. 99(2), [Sch. 5](#) (with [Sch. 4 Pt. 1](#)); S.I. 2018/720, art. 2

3 **F3** **U.K.**

Changes to legislation: There are currently no known outstanding effects for the Consecration of Churchyards Act 1867. (See end of Document for details)

Textual Amendments

F3 S. 3 repealed by [Ecclesiastical Fees Measure 1962 \(No. 1\)](#), **Sch. Pt. I**

4 Powers given in School Sites Acts for conveyance of land to apply to conveyances under this Act. U.K.

And whereas by the ^{M1}School Sites Act 1841 and by the ^{M2}School Sites Act 1849 powers are given to persons being seised in fee simple, fee tail, or for life of and in any manor or lands of freehold, copyhold, or customary tenure, and having the beneficial interest therein, to grant, convey, or enfranchise, by way of gift, sale, or exchange, in fee simple or for term of years, any quantity not exceeding one acre of such land as a site for a school; and it is expedient that the same powers should be extended to persons willing to grant land for the enlargement of churchyards or burial places in England or Wales: the said Acts shall be deemed to apply to all persons desirous of granting land for the purpose of such enlargement, in the same way as if the said land had been granted as a site for a school: Provided nevertheless, that no such grant shall be made otherwise than in fee simple, and may be made in the form herein-after provided; and that every such grant made by any person seised only for life shall be valid without the concurrence therein of the person next entitled in remainder in fee simple or fee tail . . . ^{F4}

Textual Amendments

F4 Words repealed by [Charities Act 1960 \(c. 58\)](#), **Sch. 7 Pt. II**

Marginal Citations

M1 1841 c. 38.

M2 1849 c. 49.

5 Form of conveyance of lands for addition to existing churchyards. U.K.

Any lands or hereditaments adjoining any churchyard or burial place may be conveyed for the purpose of adding thereto by a deed in the form following, with such variations (if any) as the circumstances of the case may require:

“I [*or We, or the corporate title of a corporation,*] under the authority of the Consecration of Churchyards Acts 1867 do hereby freely and voluntarily give, grant, and convey [*or, as the case may be, do hereby, in consideration of the sum of to me, or us, or the paid, grant and convey*] unto the person or persons, or corporation sole or aggregate, in whom the churchyard or the burial place known as of is now vested, his or their heirs or successors, all [*describing the hereditaments to be conveyed*], and all right, title, and interest in the same and every part thereof, to be held for ever as part of the said churchyard or burial place”:

And every such conveyance shall be valid and effectual in the law to all intents and purposes.

Changes to legislation: There are currently no known outstanding effects for the Consecration of Churchyards Act 1867. (See end of Document for details)

Modifications etc. (not altering text)

- C2 Ss. 5-7 applied (1.9.2018) by [Ecclesiastical Jurisdiction and Care of Churches Measure 2018 \(No. 3\)](#), [ss. 89\(7\), 99\(2\)](#) (with [Sch. 4 Pt. 1](#)); S.I. 2018/720, art. 2

6 Deed of gift, &c. not to be subject to stamp duties. U.K.

...^{F5} No deed of gift, or grant, security, contract, agreement, deed, or conveyance, or other instrument, made for the purposes of this Act, or for the carrying into execution any of the powers, authorities, or provisions of this Act, shall be subject to any of the duties upon stamped vellum, parchment, or paper, anything in any Act or Acts of Parliament to the contrary notwithstanding.

Textual Amendments

- F5 Words repealed by [Statute Law Revision Act 1893 \(c. 14\)](#)

Modifications etc. (not altering text)

- C2 Ss. 5-7 applied (1.9.2018) by [Ecclesiastical Jurisdiction and Care of Churches Measure 2018 \(No. 3\)](#), [ss. 89\(7\), 99\(2\)](#) (with [Sch. 4 Pt. 1](#)); S.I. 2018/720, art. 2

7 Application of the provisions of Act of 3G. 4. c. 72. s. 29. to lands so added. U.K.

From and after the expiration of five years after the conveyance of any lands or hereditaments for such addition to any churchyard or burial place and the inclosure of the same within one boundary fence, although the same shall not have been consecrated and although no burial shall have been had within the same during that period of time, the said lands and hereditaments shall, for the purposes of this Act, become and be and remain absolutely vested in the person or persons or corporation in whom the churchyard or burial place to which they are added is vested, free from all demand or claim of any person or persons or corporation whatsoever, and without being thereafter subject to any question as to any right, title, or claim thereto, or in any manner affecting the same.

Modifications etc. (not altering text)

- C2 Ss. 5-7 applied (1.9.2018) by [Ecclesiastical Jurisdiction and Care of Churches Measure 2018 \(No. 3\)](#), [ss. 89\(7\), 99\(2\)](#) (with [Sch. 4 Pt. 1](#)); S.I. 2018/720, art. 2

8 Saving provisions of former Acts. U.K.

Except as is by this Act expressly enacted, nothing therein contained shall affect the provisions of any Act of Parliament with reference to lands or hereditaments conveyed as sites for churchyards or to the conveyances thereof.

Changes to legislation: There are currently no known outstanding effects for the Consecration of Churchyards Act 1867. (See end of Document for details)

F6⁹ Exclusive right of burial in a portion of the land added to a churchyard may be secured to the giver thereof. U.K.

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Textual Amendments

F6 Ss. 9-11 repealed (1.9.2018) by Ecclesiastical Jurisdiction and Care of Churches Measure 2018 (No. 3), s. 99(2), **Sch. 5** (with Sch. 4 Pt. 1); S.I. 2018/720, art. 2

F6¹⁰ Conditions attending such grant of exclusive right of burial. U.K.

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Textual Amendments

F6 Ss. 9-11 repealed (1.9.2018) by Ecclesiastical Jurisdiction and Care of Churches Measure 2018 (No. 3), s. 99(2), **Sch. 5** (with Sch. 4 Pt. 1); S.I. 2018/720, art. 2

F6¹¹ As to closing of reserved portions. U.K.

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Textual Amendments

F6 Ss. 9-11 repealed (1.9.2018) by Ecclesiastical Jurisdiction and Care of Churches Measure 2018 (No. 3), s. 99(2), **Sch. 5** (with Sch. 4 Pt. 1); S.I. 2018/720, art. 2

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Textual Amendments

F7 S. 12 repealed (Provinces of Canterbury and York except Channel Islands and Isle of Man) (1.6.1992) by Church of England (Miscellaneous Provisions) Measure 1992 (No. 1), s. 17(2), **Sch. 4 Pt.I**; Instrument dated 27.5.1992 made by Archbishops of Canterbury and York.

13 Short title. U.K.

This Act may be cited as “The Consecration of Churchyards Act 1867.”

Changes to legislation:

There are currently no known outstanding effects for the Consecration of Churchyards Act 1867.