



Church of England (Miscellaneous Provisions) Measure 2014

2014 No. 1

2 Amendment of Burial Act 1857

For section 25 of the Burial Act 1857 there is substituted the following section—

“25 Offence of removal of body from burial ground

- (1) It is an offence for a body or any human remains which have been interred in a place of burial to be removed unless one of the conditions listed in subsection (2) is complied with.
- (2) The conditions referred to in subsection (1) are—
 - (a) the body or remains is or are removed in accordance with a faculty granted by the court;
 - (b) the body or remains is or are removed in accordance with the approval of a proposal under the [Care of Cathedrals Measure 2011 \(No. 1\)](#) by the Cathedrals Fabric Commission for England or a fabric advisory committee;
 - (c) unless the body or remains is or are interred in land which is subject to the jurisdiction of the court or its or their removal requires or require the approval of a proposal under the Care of Cathedrals Measure 2011, the body or remains is or are removed under a licence from the Secretary of State and in accordance with any conditions attached to the licence.
- (3) A person who removes a body or remains in contravention of subsections (1) and (2) is liable, on summary conviction, to a fine not exceeding level 1 on the standard scale.
- (4) In subsection (2)(a) and (c) “court” means the consistory court of the diocese or, in the diocese of Canterbury, the commissary court of that diocese or any other court or body referred to in section 1(2) or (3) of the Ecclesiastical Jurisdiction Measure 1963 having jurisdiction to determine the matter.”