



Ecclesiastical Jurisdiction and Care of Churches Measure 2018

2018 No. 3

PART 5

MISCELLANEOUS

Burials and consecration

88 Burials in parish burial ground

- (1) A person who, but for this subsection, would have no right of burial in the churchyard or other burial ground of a parish has that right if, at the date of the person's death, his or her name is entered on the church electoral roll of the parish.
- (2) A person who has a right of burial in the churchyard or other burial ground of a parish has a right to have his or her cremated remains buried there.
- (3) But subsection (2) does not give a person a right to have his or her cremated remains buried in a churchyard or burial ground in which burials have been discontinued by an Order in Council under the Burial Act 1853 or 1855 except—
 - (a) in accordance with a faculty authorising the burial, or
 - (b) in an area which has been set aside by a faculty for the burial of cremated remains generally.
- (4) A person who does not have a right of burial in the churchyard or other burial ground of a parish may not be buried there, or have his or her cremated remains buried there, without the consent of the minister of the parish.
- (5) In deciding whether to give consent under subsection (4), the minister must have due regard to any general guidance given by the PCC of the parish in question.
- (6) For the avoidance of doubt it is hereby declared that the bishop of a diocese may consecrate land in the diocese for the sole purpose of the burial of cremated remains.

Changes to legislation: There are currently no known outstanding effects for the Ecclesiastical Jurisdiction and Care of Churches Measure 2018, Section 88. (See end of Document for details)

- (7) In this section, “minister”, in relation to a parish, means—
- (a) the incumbent of a benefice to which the parish belongs,
 - (b) if the benefice is vacant, the minister acting as priest in charge of the parish or the curate licensed to the charge of the parish, or
 - (c) if there is no minister or curate of that description, the rural dean of the deanery in which the parish is situated.

Commencement Information

II [S. 88](#) in force at 1.9.2018 by [S.I. 2018/720](#), [art. 2](#)

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