



# Church Property Measure 2018

2018 No. 8

## PART 3

### NEWLY ACQUIRED LAND

#### **35 Shared burial ground**

- (1) Where land is acquired by a DBF for the provision of a burial ground for two or more parishes, the DBF may direct in the transfer (or any other instrument under its seal) that each parish is entitled to use—
  - (a) any chapel built on the land for the performance of the burial service, and
  - (b) any lodge or other building built on the land and any access to or from the chapel, lodge or other building concerned.
- (2) The incumbent of each parish is entitled to use the chapel for the performance of the burial service, subject to such regulations as the bishop of the diocese may make.
- (3) A fee for the performance of the burial service in accordance with subsection (2) may be charged on the same basis as if—
  - (a) the service had been performed in the parish church, and
  - (b) the burial had taken place in a burial ground belonging solely to that parish.
- (4) If, after the consecration of the land acquired as mentioned in subsection (1), the DBF acquires additional land adjoining or near that land for the provision of a burial ground for any parish in the diocese—
  - (a) the chapel may be used for the performance of the burial service at a burial in the additional land, subject to such regulations as the bishop may make, and
  - (b) any lodge or other building or any access to or from the chapel, lodge or other building may similarly be used.
- (5) The freehold of the chapel vests in the bishop on its consecration; and the freehold of a lodge, other building or means of access built on the land concerned vests in the bishop on the completion of its construction.

---

*Status: Point in time view as at 01/03/2019.*

*Changes to legislation: There are currently no known outstanding effects for the Church Property Measure 2018, Section 35. (See end of Document for details)*

---

- (6) But the vesting in the bishop of the chapel or of a lodge, other building or means of access does not impose any liability on the bishop to maintain it.
- (7) The DBF may apportion the burial ground (excluding the chapel and any lodge, other building or means of access) between the several parishes; and the DBF must do so if different parts of the land were acquired by it for the use of the several parishes.
- (8) Where land acquired by a DBF for the provision of a new or additional burial ground is not in the parish, or any of the parishes, for which it has been acquired—
  - (a) the DBF may declare in the transfer (or any other instrument under its seal) that, on its consecration, the land is to be treated for ecclesiastical purposes (including determination of the right of burial) as being part of the parish or parishes for which it was acquired, and
  - (b) on a declaration to that effect being made, the land is treated as such.

---

**Commencement Information**

**II** [S. 35](#) in force at 1.3.2019 by [S.I. 2019/97](#), [art. 2](#)

**Status:**

Point in time view as at 01/03/2019.

**Changes to legislation:**

There are currently no known outstanding effects for the Church Property Measure 2018, Section 35.