

ELIZABETH II



1970 CHAPTER lxxxii

An Act to authorise the sale of the Baptist Church at Bridge Street in the borough of Banbury and of the burial ground, land and premises appurtenant thereto; to authorise the demolition of the said church and other premises and the use for other purposes of the site thereof and the said burial ground and land; and for purposes incidental thereto. [17th December 1970]

WHEREAS the existing Baptist Church at Bridge Street in the borough of Banbury in the administrative county of Oxford (hereinafter called "the church") was established in or about the year 1844 for the purpose of public worship according to the principles and usages of the Baptist denomination:

And whereas adjacent to the church there is a Sunday School for the instruction of children or adults or the promotion of other purposes in accordance with the said principles and usages:

And whereas there is appurtenant to the church and the said Sunday School certain other land (which appurtenant land and the sites of the church and the said Sunday School are together hereafter referred to as "the church land");

And whereas between the years 1842 and 1891 the church land, or some part thereof, was used for the interment of human remains, but it is believed that during that period only thirteen such interments took place and the last known interment was on 11th April 1891:

And whereas the Baptist Union Corporation Limited (hereafter called "the Union") is a company limited by guarantee incorporated under the Companies Acts 1862 to 1890 having for its main object the promotion of the interests of the Baptist denomination and having power to act as trustee of any property vested in the Union:

And whereas by virtue of a declaration of trust dated 25th April, 1963, the freehold of the church land is now vested in the Union:

1962 c. 38.

And whereas the church is included in the list of buildings of special architectural or historic interest deposited under the provisions of section 32 of the Town and Country Planning Act 1962:

And whereas the church is in some ways unsuitable and inconvenient for its present purpose and the needs of the Baptist denomination in the locality could be better met by the provision of a new church elsewhere:

And whereas it is expedient that the church land should be developed with adjoining property and that the Union should be empowered to dispose of the church land and the church and other premises erected thereon and that the church land should be freed from all restrictions which may affect the same by reason of the church land having been used as a burial ground or otherwise:

And whereas it is expedient that such provisions as are contained in this Act with respect to the sale and development of the church land and the removal therefrom of any human remains interred therein should be enacted:

And whereas it is expedient that the other provisions contained in this Act should be enacted:

And whereas the objects of this Act cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted, and be it enacted, by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the *Bridge Street Baptist Church, Banbury Act 1970*.

2.—(1) In this Act, unless the subject or context otherwise Interpretation. requires—

“ the borough ” means the borough of Banbury in the administrative county of Oxford;

“ the burial ground ” means so much of the church land as has been used for the interment of human remains;

“ the church ” means the Baptist Church situate at Bridge Street in the borough, and includes the Sunday School adjacent thereto;

“ the church land ” means the land described in the schedule to this Act;

“ enactment ” has the same meaning as in the Town and Country Planning Act 1962; 1962 c. 38.

“ the owner ” means the person in whom the church land is for the time being vested;

“ the Union ” means the Baptist Union Corporation Limited.

(2) Any reference in this Act to any enactment shall be construed as a reference to that enactment as applied, extended, amended or varied by, or by virtue of, any subsequent enactment, including this Act.

3. The Union may cause or permit the church, or any part thereof, to be demolished and the materials thereof to be sold or otherwise disposed of as they think fit. Demolition of church.

4.—(1) The Union may sell, lease or otherwise dispose of the church land, or any part thereof, for such price or consideration, in such manner and upon and subject to such terms and conditions as the Union may think fit. Power to sell church land and application of proceeds.

(2) The proceeds of any sale or other disposition effected under the powers conferred by this section shall be paid to the Union, who may deduct or recoup therefrom the amount of any costs, charges and expenses incurred by the Union under section 9 (Costs of Act) of this Act, or in connection with the aforesaid sale.

5. As from the passing of this Act the church land shall be freed and discharged from all trusts, uses, obligations, disabilities and restrictions relating or appertaining to the use or setting apart of that land as a place for the interment of human remains which immediately before the passing thereof attached thereto, and from all rights and interests of any person who is an executor, administrator or relative of any deceased person whose remains are interred in the church land, or any part thereof: Discharge of trusts, etc., and saving for private rights.

Provided that nothing in this Act shall operate to affect prejudicially any private right or easement (not being a right in respect of a grave) over the church land, or any part thereof, which attached thereto immediately before the passing of this Act.

Power to use church land for other purposes.

6. Notwithstanding anything contained in any enactment, but subject to the provisions of this Act, it shall be lawful at any time after the passing of this Act to use, deal with or dispose of the church land or any part thereof, for any purpose in like manner as if no part thereof had ever been used or set apart for the interment of human remains.

Removal of human remains from burial ground.

7.—(1) Before the owner begins to use any part of the burial ground for any purpose likely to involve the disturbance of human remains, he shall give notice of his intention to remove, or cause to be removed, from that part of the burial ground, the remains of any deceased person found interred therein by publishing a notice once in each of two successive weeks in a newspaper circulating in the borough with an interval between publications of not less than six days, and shall display a like notice in a conspicuous place on that part of the burial ground, and such notice shall have embodied in it the substance of subsections (2), (3), (4), (5), (6), (7) and (8) of this section.

(2) At any time within two months after the first publication of such notice, any person who is a personal representative or relative of any deceased person whose remains are interred in that part of the burial ground, may give notice in writing to the owner of his intention to undertake the removal of such remains, and thereupon he shall be at liberty to cause such remains to be removed to and re-interred in any burial ground or cemetery in which burials may legally take place, or be removed to and cremated in any crematorium.

(3) If any person giving such notice as aforesaid fails to satisfy the owner that he is such personal representative or relative as he claims to be, the question shall be determined on the application of either party in a summary manner by the county court, and the court shall have power to make an order specifying who shall remove the remains and as to the payment of costs of the application.

(4) The expenses of such removal and re-interment or cremation (not exceeding in respect of remains removed from any one grave the sum of seventy-five pounds) shall be defrayed by the owner, such sum to be apportioned if necessary equally according to the number of remains in the grave.

(5) If within the aforesaid period of two months no such notice as aforesaid shall have been given to the owner in respect of the remains in any grave, or if after such notice has been given the person giving the same shall fail within one month to cause such remains to be removed in compliance with the provisions of this section, the owner shall remove the remains of the deceased person and cause them to be re-interred in the Banbury Cemetery or in such other burial ground or cemetery as the owner thinks suitable for the purpose.

(6) Upon any removal of remains from the burial ground a certificate of removal and re-interment or cremation shall be sent to the Registrar General by the owner giving the dates of removal and re-interment or cremation respectively and identifying the place from which the remains were removed and the place in which they were re-interred or cremated, showing the particulars of each removal separately.

(7) Any monument or tombstone relating to the remains of any deceased person removed under this section shall, at the expense of the owner, be removed and re-erected at the place of re-interment or cremation of such remains or at such other suitable place as may be agreed between such personal representative or relative as aforesaid and the owner or (in default of such agreement) the county court may direct on the application of such personal representative or relative as aforesaid or of the owner, and the owner shall cause a record to be made of each monument and tombstone taken from the burial ground under this section, containing—

- (i) a copy of the inscription on it; and
- (ii) if it is intended to preserve the monument or tombstone, a statement naming the place to which it has been taken;

and shall deposit a copy of the record with the Registrar General:

Provided that it shall not be necessary for the owner to re-erect a monument or tombstone if the owner considers that, by reason of its ruinous condition, it is unsuitable for re-erection, and any such monument or tombstone may be disposed of in such manner as the owner thinks fit.

(8) The removal of the remains of any deceased person under this section shall be carried out to the reasonable satisfaction of the Secretary of State.

8. Section 220 of the Town and Country Planning Act 1962 (which for the avoidance of doubt declares that the provisions of that Act and any restrictions or powers thereby imposed or

Saving for
Town and
Country
Planning
Acts.
1962 c. 38.

conferred in relation to land apply to land notwithstanding that provision is made by any local Act passed before or during the session of the 10 & 11 Geo. 6 for authorisation or regulation of development of the land) shall apply to this Act as if it had been passed during that session; and accordingly the Town and Country Planning Acts 1962 to 1968 and orders, regulations, rules, schemes and directions made or given thereunder shall apply to development authorised by this Act.

Costs of Act.

9. All costs, charges and expenses preliminary to and of and incidental to the preparing, applying for, obtaining and passing of this Act or otherwise in relation thereto shall in the first instance be paid by the Union.

SCHEDULE

Section 2.

DESCRIPTION OF CHURCH LAND

All that piece of land in the borough, containing 7,450 square feet or thereabouts, having a frontage to Bridge Street and comprising the site of the church and land appurtenant thereto, together with the church thereon, or on some part thereof.

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Bridge Street Baptist Church, Banbury Act 1970

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SCHEDULE—Description of church land.