



# Disused Burial Grounds (Amendment) Act 1981

## 1981 CHAPTER 18

### 4 Discharge of trusts and restrictions.

- (1) As from the date specified in the next subsection and subject to subsection (3) of this section the said land shall be freed and discharged from all rights and interests of any person who is a personal representative or relative of any deceased person whose remains are interred in the land and from all other trusts, uses, obligations, disabilities and restrictions whatsoever, insofar as the same relate to use as a burial ground which attached thereto immediately before that date:

Provided that notwithstanding the provisions of this subsection such land shall remain subject to charitable trusts unless or until, and subject to such consents as may from time to time be required by law, it is sold; and in the event of the sale of the whole or any part of the said land any charitable trusts which formerly attached to the land the subject of the sale shall attach to the net proceeds of that sale.

- (2) Subsection (1) of this section shall apply as from
- (a) the date when the provisions of section 2 of this Act have been complied with; or
  - (b) where no interments have ever taken place in such land the date of the granting of planning permission for the erection of a building thereon on the application by or on behalf of the church or other religious body owning the land or on whose behalf it is held

and on the sale of the land it shall be sufficient for the purposes of subsection (1) of this section if a certificate is given by or on behalf of the church or other religious body owning the land or on whose behalf it is held as to the fact and date of compliance with the provisions of section 2 of this Act or the fact and date of the granting of planning permission as the case may be.

- (3) Any person entitled to burial rights in the said land may claim compensation in respect thereof from the church or other religious body owning the land or on whose behalf it is held.