



# Town and Country Planning Act 1990

## 1990 CHAPTER 8

### PART IX

#### ACQUISITION AND APPROPRIATION OF LAND FOR PLANNING PURPOSES, ETC.

##### *Extinction of certain rights affecting acquired or appropriated land*

#### **239 Use and development of burial grounds.**

- (1) Notwithstanding anything in any enactment relating to burial grounds or any obligation or restriction imposed under ecclesiastical law or otherwise in respect of them, any land consisting of a burial ground or part of a burial ground, which has been the subject of a relevant acquisition or appropriation, may—
  - (a) if it has been acquired by a Minister, be used in any manner by him or on his behalf for any purpose for which he acquired the land; and
  - (b) in any other case, be used by any person in any manner in accordance with planning permission.
- (2) This section does not apply to land which has been used for the burial of the dead until the prescribed requirements with respect to the removal and reinterment of human remains, and the disposal of monuments, in or upon the land have been complied with.
- (3) Nothing in this section shall be construed as authorising any act or omission on the part of any person which is actionable at the suit of any person on any grounds other than contravention of any such enactment, obligation or restriction as is mentioned in subsection (1).

#### **Modifications etc. (not altering text)**

- C1** Ss. 238, 239 modified by [National Health Service Act 1977](#) (c. 49, SIF 113:2), [s. 87\(6\)](#) as substituted by [Planning \(Consequential Provisions\) Act 1990](#) (c. 11, SIF 123:1, 2), s. 4, [Sch. 2 para. 40](#)
- C2** Ss. 238, 239 extended (with modifications) (8.2.2000) by [S.I. 2000/90](#), [art. 4](#) (with [art. 2\(5\)](#))
- C3** Ss. 238-240 applied (25.7.2003 and 29.12.2003 in accordance with the commencing S.I.s) by [Communications Act 2003](#) (c. 21), ss. 118, 411, [Sch. 4 para. 3\(5\)\(6\)\(a\)](#) (with transitional provisions)

*Status: Point in time view as at 15/10/2020. This version of this provision has been superseded.*

*Changes to legislation: Town and Country Planning Act 1990, Section 239 is up to date with all changes known to be in force on or before 03 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- in Sch. 18); S.I. 2003/1900, arts. 1(2), **2(1)**, Sch. 1 (with transitional provisions in arts. 3-6); S.I. 2003/3142, arts. 1(2), **3(2)** (with art. 11)
- Ss. 238-240 applied (1.4.2004) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), ss. 34, 199, **Sch. 4 para. 86**; S.I. 2004/759, **art. 2**
- S. 239 applied (1.3.2007) by National Health Service Act 2006 (c. 41), **ss. 211(7)**, 277
- S. 239 applied (1.3.2007) by National Health Service (Wales) Act 2006 (c. 42), **ss. 159(7)**, 208 (with s. 19(3))
- C4** Ss. 238, 239 applied (with modifications) (15.9.2016) by The River Humber Gas Pipeline Replacement Order 2016 (S.I. 2016/853), arts. 1, **20(15)** (with art. 43)
- C5** S. 239: functions made exercisable concurrently (23.12.2016) by The Greater Manchester Combined Authority (Functions and Amendment) Order 2016 (S.I. 2016/1267), arts. 1(2), **6(1)(k)(2)**
- C6** S. 239 applied (24.9.2014) by The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014/2384), arts. 1, Sch. 19 Pt. 1 para. 9(2)
- C7** S. 239: functions made exercisable concurrently (9.2.2017) by The West of England Combined Authority Order 2017 (S.I. 2017/126), arts. 1(3), **19(1)(k)**
- C8** S. 239 applied (with modifications) (23.2.2017) by High Speed Rail (London - West Midlands) Act 2017 (c. 7), **ss. 49(4)(c)**, 70(1)
- C9** S. 239 applied (23.2.2017) by High Speed Rail (London - West Midlands) Act 2017 (c. 7), **ss. 49(5)**, 70(1)
- C10** S. 239: functions made exercisable concurrently (17.3.2017) by The Liverpool City Region Combined Authority (Functions and Amendment) Order 2017 (S.I. 2017/430), arts. 1(2), **7(1)(j)**
- C11** S. 239 applied (11.6.2020) by The M42 Junction 6 Development Consent Order 2020 (S.I. 2020/528), arts. 1, **48(17)** (with art. 37)
- C12** S. 239 applied (with modifications) (15.10.2020) by The Great Yarmouth Third River Crossing Development Consent Order 2020 (S.I. 2020/1075), arts. 1, **55(18)**

**Status:**

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