



Town and Country Planning Act 1990

1990 CHAPTER 8

PART IX

ACQUISITION AND APPROPRIATION OF LAND FOR PLANNING PURPOSES, ETC.

Extinguishment of certain rights affecting acquired or appropriated land

240 Provisions supplemental to ss. 238 and 239

- (1) Provision shall be made by any regulations made for the purposes of sections 238(3) and (4) and 239(2)—
 - (a) for requiring the persons in whom the land is vested to publish notice of their intention to carry out the removal and reinterment of any human remains or the disposal of any monuments;
 - (b) for enabling the personal representatives or relatives of any deceased person themselves to undertake—
 - (i) the removal and reinterment of the remains of the deceased, and
 - (ii) the disposal of any monument commemorating the deceased,and for requiring the persons in whom the land is vested to defray the expenses of such removal, reinterment and disposal (not exceeding such amount as may be prescribed);
 - (c) for requiring compliance—
 - (i) with such reasonable conditions (if any) as may be imposed in the case of consecrated land, by the bishop of the diocese, with respect to the manner of removal and the place and manner of reinterment of any human remains and the disposal of any monuments, and
 - (ii) with any directions given in any case by the Secretary of State with respect to the removal and reinterment of any human remains.
- (2) Subject to the provisions of any such regulations, no faculty is required—
 - (a) for the removal and reinterment in accordance with the regulations of any human remains, or

Status: This is the original version (as it was originally enacted).

(b) for the removal or disposal of any monuments,
and section 25 of the Burial Act 1857 (prohibition of removal of human remains without the licence of the Secretary of State except in certain cases) does not apply to a removal carried out in accordance with the regulations.

(3) In sections 238 and 239 and this section—

“burial ground” includes any churchyard, cemetery or other ground, whether consecrated or not, which has at any time been set apart for the purposes of interment,

“monument” includes a tombstone or other memorial, and

“relevant acquisition or appropriation” means an acquisition made by a Minister, a local authority or statutory undertakers under this Part or Chapter V of Part I of the Planning (Listed Buildings and Conservation Areas) Act 1990 or compulsorily under any other enactment, or an appropriation by a local authority for planning purposes.