



# Town and Country Planning Act 1962

1962 CHAPTER 38 10 and 11 Eliz 2

## PART V

### ACQUISITION AND APPROPRIATION OF LAND AND PROVISIONS RELATED THERETO

*Powers exercisable in relation to land held for planning purposes, and other related powers*

#### **82 Use and development of consecrated land and burial grounds**

(1) Any consecrated land, whether or not including a building, which has been acquired by a Minister, a local authority or statutory undertakers under this Part of this Act, or which has been appropriated by a local authority for planning purposes, may, subject to the following provisions of this section.—

- (a) in the case of land 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,

notwithstanding any obligation or restriction imposed under ecclesiastical law or otherwise in respect of consecrated land:

Provided that this subsection does not apply to land which consists or forms part of a burial ground.

(2) Any use of consecrated land authorised by the preceding subsection, and the use of any land, not being consecrated land, acquired or appropriated as therein mentioned which at the time of acquisition or appropriation included a church or other building used or formerly used for religious worship or the site thereof, shall be subject to compliance with the prescribed requirements with respect to the removal and reinterment of any human remains, and the disposal of monuments and fixtures and furnishings; and, in the case of consecrated land, shall be subject to such provisions as may be prescribed for prohibiting or restricting the use of the land, either absolutely or until the prescribed consent has been obtained, so long as any church or other building used or formerly used for religious worship, or any part thereof, remains on the land.

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- (3) Any regulations made for the purposes of the last preceding subsection—
- (a) shall contain such provisions as appear to the Minister to be requisite for securing that any use of land which is subject to compliance with the regulations shall, as nearly as may be, be subject to the like control as is imposed by law in the case of a similar use authorised by an enactment not contained in this Act or by a Measure, or as it would be proper to impose on a disposal of the land in question otherwise than in pursuance of an enactment or Measure ;
  - (b) shall contain requirements relating to the disposal of any such land as is mentioned in the last preceding subsection such as appear to the Minister requisite for securing that the provisions of that subsection shall be complied with in relation to the use of the land ; and
  - (c) may contain such incidental and consequential provisions (including provision as to the closing of registers) as appear to the Minister to be expedient for the purposes of the regulations.
- (4) Any land consisting of a burial ground or part of a burial ground, which has been acquired or appropriated as mentioned in subsection (1) of this section, may—
- (a) in the case of land 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,
- notwithstanding anything in any enactment relating to burial grounds or any obligation or restriction imposed under ecclesiastical law or otherwise in respect of burial grounds :
- Provided that this subsection shall not have effect in respect of any 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.
- (5) Provision shall be made by any regulations made for the purposes of subsection (2) of this section and the proviso to the last preceding subsection—
- (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 the removal and reinterment of the remains of the deceased, and 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 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 with any directions given in any case by the Secretary of State with respect to the removal and reinterment of any human remains.
- (6) Subject to the provisions of any such regulations, no faculty shall be required for the removal and reinterment in accordance with the regulations of any human remains, or for the removal or disposal of any monuments, and the provisions of section twenty-

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five of the Burial Act, 1857 (which prohibits the removal of human remains without the licence of the Secretary of State except in certain cases) shall not apply to a removal carried out in accordance with the regulations.

- (7) 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 obligation, restriction or enactment as is mentioned in subsection (1) or subsection (4) of this section.
- (8) In 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, and “monument” includes a tombstone or other memorial.