



Welsh Church (Burial Grounds) Act 1945

1945 CHAPTER 27

1 Untransferred burial grounds.

- (1) Any burial ground which, immediately before the commencement of this Act, is vested in the Welsh Commissioners by virtue of the Welsh Church Act, 1914 (hereinafter referred to as " the principal Act ") shall, by virtue of this Act and without more, vest as from the appointed day in the representative body :

Provided that, where, but for the provisions of this Act, the incumbent of an ecclesiastical parish would, immediately before the said day, be entitled to have any such burial ground transferred to him under paragraph (b) of subsection (1) of section eight of the principal Act as being the existing incumbent within the meaning of that Act, that ground shall vest in him during his incumbency and subject thereto in the representative body.

- (2) Notwithstanding anything in any enactment, the interest of an incumbent in a burial ground vested in him by virtue of the proviso to the foregoing subsection and the interest therein of the representative body shall be legal estates, and no burial ground shall be deemed to be settled land by reason only of its vesting in accordance with that proviso.
- (3) Subject to the following provisions of this Act, any burial ground vested by this section shall be held subject to any public or private rights of burial therein or otherwise with respect thereto to which it is subject at the time of vesting.
- (4) The Welsh Commissioners shall deliver to the representative body a schedule specifying to the best of their knowledge and belief the burial grounds which, immediately before the commencement of this Act, are vested in them by virtue of the principal Act and, as respects each such ground, the land comprised therein and the rights to which it is subject on its vesting on the appointed day ; and—
- (a) it shall be presumed, unless the contrary is proved or is stated in the schedule, that the Welsh Commissioners have from the date of disestablishment until the appointed day been in possession of any burial ground included in the schedule ; and
- (b) subsection (6) of section forty-five of the Law of Property Act, 1925, shall apply to all statements and descriptions of facts and matters contained in the

Status: This is the original version (as it was originally enacted).

schedule so as to make them evidence of the truth of such facts and matters to the like extent as if they were contained in a deed executed on the date of the commencement of this Act.