



Church of England (Miscellaneous Provisions) Measure 2020

2020 No. 1

Care of churches

6 Disused burial grounds: approval for building, etc.

(1) In section 2 of the Care of Cathedrals Measure 2011 (approval required for alterations to cathedrals), after subsection (2) insert—

“(2A) The Chapter of a cathedral shall not implement or consent to the implementation of a proposal for the erection of a building on a disused burial ground the fee simple in which is vested in the corporate body, unless the proposal has been approved under this Measure.

(2B) The requirement under subsection (2A) for the approval of a proposal is in addition to any requirement under subsection (1) for the approval of the proposal.”

(2) In section 5 of that Measure (fabric advisory committee), after subsection (1) insert—

“(1A) But the power under subsection (1)(b) may not be exercised in relation to proposals of the kind described in section 2(2A).”

(3) In section 6 of that Measure (body to which applications for approval are to be made), in subsection (1), after paragraph (a) and the following “or”, insert—

“(aa) the proposal would involve the erection of a building on a disused burial ground, or”.

(4) In section 9 of that Measure (applications to Cathedrals Fabric Commission), in each of subsections (1) and (7)(e), after “a proposal of a kind described in section 2(1)(a)” insert “ or (2A) ”.

(5) After subsection (3) of that section insert—

“(3A) In the case of a proposal of the kind described in section 2(2A), the Commission may, in spite of section 3 of the Disused Burial Grounds Act 1884

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(which prohibits building on disused burial grounds except for the purpose of enlarging a place of worship), give its approval if either of the following conditions is met.

- (3B) The first condition is that no interments have taken place in the land on which the building is to stand during the period of 50 years preceding the date of the application for approval of the proposal.
- (3C) The second condition is that—
- (a) no personal representative or relative of a person whose remains have been interred in the land during that period has objected to the proposal, or
 - (b) any such objection has been withdrawn.
- (3D) In subsection (3C), “relative”, in relation to a person, means—
- (a) a spouse or civil partner, parent or grandparent or child or grandchild of the person, or
 - (b) a person who is, or is a child of, a brother, sister, uncle or aunt of the person.
- (3E) The reference in subsection (3D)(a) to a person's spouse includes a reference to a spouse of the same sex as that person.”
- (6) In each of rules 7(4)(c) and 19(3)(e) of, and in each of Forms 8, 9, 20 and 21 in Schedule 2 to, the Care of Cathedrals Rules 2006 (S.I. 2006/1941) (requirements to notify local planning authority of application), after “section 2(1)(a)” insert “ or (2A) ”.
- (7) The Schedule (which updates certain cross-references in the Care of Cathedrals Rules 2006) has effect.
- (8) The amendments made by subsection (6) and the Schedule do not affect the power to make further rules amending or revoking the provision made by those amendments.
- (9) In section 44 of the Mission and Pastoral Measure 2011 (use of certain churchyards and burial grounds), after subsection (6) insert—
- “(7) In this section “relative”, in relation to a person, means—
- (a) a spouse or civil partner, parent or grandparent or child or grandchild of the person, or
 - (b) a person who is, or is the child of, a brother, sister, uncle or aunt of the person.
- (8) The reference in subsection (7)(a) to a person's spouse includes a reference to a spouse of the same sex as that person.”
- (10) In section 63 of that Measure (contents of pastoral (church buildings disposal) scheme), after subsection (14) insert—
- “(15) In this section “relative”, in relation to a person, means—
- (a) a spouse or civil partner, parent or grandparent or child or grandchild of the person, or
 - (b) a person who is, or is the child of, a brother, sister, uncle or aunt of the person.
- (16) The reference in subsection (15)(a) to a person's spouse includes a reference to a spouse of the same sex as that person.”

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(11) In section 64 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018 (erection of building on disused burial ground), after subsection (4) insert—

“(5) Relative”, in relation to a person, means—

- (a) a spouse or civil partner, parent or grandparent or child or grandchild of the person, or
- (b) a person who is, or is the child of, a brother, sister, uncle or aunt of the person.

(6) The reference in subsection (5)(a) to a person's spouse includes a reference to a spouse of the same sex as that person.”

Commencement Information

II S. 6 in force at 1.9.2020 by [S.I. 2020/835](#), [art. 2](#)

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