

**CHAPTER xiii**

An Act to vest part of the churchyard appurtenant to the church of All Saints Chelsea in the London Diocesan Fund as custodian trustee of the Parochial Church Council of All Saints Chelsea to authorise the erection of a building thereon and for other purposes.

[30th April 1959.]

**W**HEREAS the church of All Saints Chelsea (hereinafter referred to as "the church") is situated on the east side of Old Church Street in the metropolitan borough of Chelsea and is commonly known as Chelsea Old Church:

And whereas there is appurtenant to the church a churchyard burials wherein were discontinued in or about the year one thousand eight hundred and twenty-seven:

And whereas the Diocesan Board of Finance for the diocese of London is a company incorporated under the Companies Acts 1908 to 1917 the name of which is "the London Diocesan Fund" (hereinafter referred to as "the fund"):

And whereas the fund is the diocesan authority within the meaning of the Parochial Church Councils (Powers) Measure 1956:

And whereas the Parochial Church Council of All Saints Chelsea (hereinafter called "the Church Council") proposes to erect in connection with the church a church hall the intended site for the church hall comprising part of the said churchyard:

And whereas the freehold of the said churchyard is vested in the incumbent of the benefice of All Saints Chelsea and the present incumbent thereof is the Reverend Clarke Edward Leighton Thomson:

And whereas it is expedient to vest in the fund as custodian trustee of the Church Council the portion of the said churchyard which is more particularly described in the schedule to this Act and to enable the Church Council to erect a church hall thereon:

And whereas it is expedient that such provisions as are contained in this Act with respect to the removal of human remains interred in the said portion of the said churchyard should be enacted:

And whereas it is expedient that the several provisions contained in this Act should be enacted:

And whereas the objects of this Act cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

- Short title. 1. This Act may be cited as the All Saints Chelsea Act 1959.
- Interpretation. 2. In this Act unless the subject or context otherwise requires—  
 “the bishop” means the Bishop of London for the time being and during a vacancy in the see of London includes the guardian of the spiritualities thereof;  
 “the Church Council” means the Parochial Church Council of All Saints Chelsea;  
 “enactment” has the same meaning as in the Town and Country Planning Act 1947;  
 “the fund” means the London Diocesan Fund;  
 “the scheduled lands” means the lands described in the schedule hereto which said lands are shown and coloured pink on a plan marked “Plan of the scheduled lands” signed in triplicate by Sir Gordon Touche the chairman of the Committee of the House of Commons to whom the Bill for this Act was referred one copy of which has been deposited at the office of the Clerk of the Parliaments House of Lords one in the Private Bill Office of the House of Commons and one at the office of the fund at London Diocesan House 33 Bedford Square London W.C.1.
- 10 & 11 GEO. 6  
c. 51.
- Vesting of scheduled lands. 3. Upon the passing of this Act the freehold of the scheduled lands together with all rights and easements appurtenant thereto shall forthwith by virtue of this Act become vested in the fund as custodian trustee for the Church Council under the Parochial Church Councils (Powers) Measure 1956.
- Discharge of trusts and restrictions affecting scheduled lands and saving for private rights. 4. As from the passing of this Act but subject to the provisions thereof the scheduled lands shall be freed and discharged from all trusts uses obligations disabilities and restrictions whatsoever which immediately before the passing thereof attached thereto under ecclesiastical law and from all rights and interests of any person who is an heir executor administrator or relative of any deceased person whose remains are interred in the



scheduled lands and from all other trusts uses obligations disabilities and restrictions whatsoever which attached thereto immediately before the passing of this Act by reason of the scheduled lands or any part thereof being a disused burial ground or forming the churchyard or enclosures of a church or otherwise:

Provided that nothing in this Act shall operate to affect prejudicially any private right or easement (not being a right in respect of a grave) over the scheduled lands or any part thereof which attached thereto immediately before the passing of this Act.

5. Notwithstanding anything contained in any enactment but subject to the provisions of this Act it shall be lawful at any time after the passing of this Act for the Church Council to use the scheduled lands or any part thereof for building a church hall thereon in like manner as if no part thereof had ever been consecrated or used or set apart for the purpose of burial of human remains or had ever been or formed the churchyard or enclosures of a church.

Power to use scheduled lands for building.

6.—(1) Before erecting or causing to be erected any building on the scheduled lands the Church Council shall remove or cause to be removed therefrom the remains of all deceased persons interred therein.

Removal of human remains from scheduled lands.

(2) Before proceeding to remove any such remains the Church Council shall give notice of intention so to do by publishing a notice once in each of two successive weeks in a newspaper circulating in the metropolitan borough of Chelsea with an interval between the dates of publication of not less than six clear days and by displaying the notice in a conspicuous place in the scheduled lands and such notice shall have embodied on it the substance of subsections (3) (4) (5) (6) (7) and (8) of this section.

(3) At any time within two months from the first publication of such notice any person who is an heir executor administrator or relative of any deceased person whose remains are interred in the scheduled lands or any part thereof may give notice in writing to the Church Council of his intention to undertake the removal of such remains and thereupon he shall be at liberty without any faculty for the purpose but subject as hereinafter mentioned to any regulations made by the bishop to cause the remains to be removed to and reinterred in any consecrated burial ground or any cemetery in which burials may legally take place but in the case of a churchyard only with the consent of the incumbent of the parish concerned.

(4) If any person giving such notice as aforesaid fails to satisfy the Church Council that he is such heir executor administrator or relative as he claims to be the question shall be determined on the application of either party in a summary manner by the Registrar of the Consistory Court of the Diocese of London who shall have power to make an order specifying who

shall remove the remains and as to the payment of the costs of the application.

(5) The expenses of a removal and reinterment (not exceeding in respect of remains removed from any grave the sum of twenty-five pounds) shall be defrayed by the Church Council and shall be apportioned if necessary equally according to the number of deceased persons interred in the grave.

(6) If within the aforesaid period of two months no such notice as aforesaid has been given to the Church Council in respect of the remains in any grave or if after such a notice has been given the person giving the same fails to comply with the provisions of this section and with any regulation of the bishop the Church Council may without any faculty for that purpose remove the remains of the deceased person and cause them to be re-interred in such other consecrated burial ground or cemetery in which burials may legally take place as subject to the consent of the bishop the Church Council thinks suitable for the purpose but in the case of interment in a churchyard the previous consent of the incumbent of the parish concerned shall also be required.

(7) Upon any removal of remains from the scheduled lands a certificate of removal and reinterment shall be sent to the Registrar-General by the Church Council giving the dates of removal and reinterment respectively and identifying the place from which the remains were removed and the place in which they were reinterred showing the particulars of each removal separately and every such certificate shall be deposited at the General Register Office with the miscellaneous records in the custody of the Registrar-General.

(8) All monuments and tombstones relating to the remains of any deceased person removed under this section shall at the expense of the Church Council be removed and re-erected at the place of reinterment of the remains or at such place as the bishop may direct on the application (if any) of such heir executor administrator or relative as aforesaid or failing such application on the application of the Church Council and the Church Council shall cause to be made a record of each monument and tombstone taken from the scheduled lands under this section containing—

(a) a copy of the inscription on it; and

(b) if it is intended to preserve the monument or tombstone a statement showing where it has been taken to;

and shall deposit a copy of the record with the Registrar-General.

(9) The removal of the remains of any deceased person under this section shall be carried out under the supervision and to the satisfaction of the medical officer of health of the metropolitan borough of Chelsea.



7. All objects of geological or antiquarian interest discovered on or under the scheduled lands during the execution of any works therein by the Church Council shall subject to the rights of the Crown and except so far as they may be the property of any other person be carefully preserved and removed and shall be deposited in the museum in the tower of the church of All Saints Chelsea as the property of the Church Council.

Deposit of  
objects of  
interest.

8. This Act shall be deemed to be an enactment passed before and in force at the passing of the Town and Country Planning Act 1947 for the purposes of subsection (4) of section 13 (Development orders) and subsection (1) of section 118 (Application to land regulated by special enactments) of that Act.

Saving for  
town and  
country  
planning.

9. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Church Council.

Costs of Act.

## SCHEDULE

### DESCRIPTION OF THE LANDS DEALT WITH BY THE FOREGOING ACT

A piece of land in the metropolitan borough of Chelsea containing 1,370 square feet or thereabouts being so much of the churchyard of All Saints Chelsea as lies to the north of and is bounded on or towards the south by an imaginary line drawn from a point 14 feet measured in an easterly direction from the frontage line of Old Church Street and 15 feet measured in a northerly direction from the northernmost point of the church of All Saints Chelsea and proceeding in a southerly direction for a distance of 2 feet 6 inches thence in an easterly direction parallel to the boundary of the said churchyard for a distance of 17 feet 9 inches thence in a southerly direction for a distance of 12 inches thence in an east-south-easterly direction for a distance of 18 feet 3 inches thence in an east-north-easterly direction for a distance of 18 feet 3 inches thence in a northerly direction for a distance of 12 inches and thence in an easterly direction for a distance of 5 feet 9 inches to the boundary between the said churchyard and property now belonging or reputed to belong to No. 4 (Chelsea) Group Hospital Management Committee which said piece of land is otherwise bounded on or towards the east north and west by a line proceeding thence along the last-mentioned boundary in a north-north-easterly direction for a distance of 33 feet 6 inches thence along the last-mentioned boundary and the northern boundary of the said churchyard in a westerly direction for a distance of 34 feet in a northerly direction for a distance of 9 inches in a westerly direction for a distance of 2 feet in a southerly direction for a distance of 9 inches in a westerly direction for a distance of 6 feet 6 inches and in a north-westerly direction for a distance of 4 feet 6 inches thence along the boundary of the said churchyard and the eastern and southern boundaries of the property formerly known as Petyt House in a southerly direction for a distance of 16 feet in an easterly direction for a distance of 2 feet 6 inches in a southerly direction for a distance of 15 feet 6 inches and in a westerly direction for a distance of 22 feet to and terminating at the point of commencement.

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## ARRANGEMENT OF SECTIONS

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2. Interpretation.
3. Vesting of scheduled lands.
4. Discharge of trusts and restrictions affecting scheduled lands and saving for private rights.
5. Power to use scheduled lands for building.
6. Removal of human remains from scheduled lands.
7. Deposit of objects of interest.
8. Saving for town and country planning.
9. Costs of Act.

Schedule—Description of the lands dealt with by the foregoing Act.