

## SCHEDULES

### SCHEDULE 20

#### LAND AUTHORITY FOR WALES: ACQUISITION OF LAND

#### PART III

#### SUPPLEMENTAL PROVISIONS

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

- 8 (1) Any consecrated land, whether or not including a building, which has been acquired by the Authority under section 104 above may, subject to the following provisions of this paragraph, 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.
- (2) Sub-paragraph (1) above does not apply to land which consists or forms part of a burial ground.
- (3) Any use of consecrated land authorised by sub-paragraph (1) above, and the use of any land (not being consecrated land) acquired by the Authority under section 104 above, which at the time of acquisition included a church or other building used or formerly used for religious worship or the site thereof, shall be subject to compliance with the requirements of regulations made by the Secretary of State for the purposes of this paragraph with respect to the removal and re-interment of any human remains, and the disposal of monuments and fixtures and furnishings.
- (4) Any use of consecrated land authorised by sub-paragraph (1) above shall be subject to such provisions as may be prescribed by such regulations 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.
- (5) Any regulations made for the purposes of this paragraph-
- (a) shall contain such provisions as appear to the Secretary of State 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 sub-paragraphs (3) and (4) above such as appear to the Secretary of State requisite for securing that the provisions of those sub-paragraphs shall be complied with in relation to the use of the land; and

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*Status: This is the original version (as it was originally enacted).*

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- (c) may contain such incidental and consequential provisions (including provision as to the closing of registers) as appear to the Secretary of State to be expedient for the purposes of the regulations.
- (6) Any land consisting of a burial ground or part of a burial ground, which has been acquired as mentioned in sub-paragraph (1) above, may 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.
  - (7) Sub-paragraph (6) above shall not have effect in respect of any land which has been used for the burial of the dead until the requirements prescribed by regulations made under this paragraph with respect to the removal and re-interment of human remains, and the disposal of monuments, in or upon the land have been complied with.
  - (8) Provision shall be made by any regulations made for the purposes of this paragraph—
    - (a) for requiring the persons in whom the land is vested to publish notice of their intention to carry out the removal and re-interment 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 re-interment 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, re-interment 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 re-interment 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.
  - (9) Subject to the provisions of regulations made under this paragraph, no faculty shall be required for the removal and re-interment in accordance with the regulations of any human remains, or for the removal or disposal of any monuments, and the provisions of 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) shall not apply to a removal carried out in accordance with the regulations.
  - (10) Regulations under this paragraph shall be subject to annulment by a resolution of either House of Parliament.
  - (11) Nothing in this paragraph 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 subparagraph (1) or (6) above.
  - (12) In this paragraph " 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.