



Town and Country Planning Act 1990

1990 CHAPTER 8

PART IX

ACQUISITION AND APPROPRIATION OF LAND FOR PLANNING PURPOSES, ETC.

Extinction of certain rights affecting acquired or appropriated land

240 Provisions supplemental to ss. 238 and 239.

- (1) Provision shall be made by any regulations made for the purposes of sections 238(3) and (4) and 239(2)—
- (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—
 - (i) the removal and reinterment of the remains of the deceased, and
 - (ii) 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—
 - (i) 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
 - (ii) with any directions given in any case by the Secretary of State with respect to the removal and reinterment of any human remains.
- (2) Subject to the provisions of any such regulations, no faculty is required—
- (a) for the removal and reinterment in accordance with the regulations of any human remains, or

Status: Point in time view as at 29/10/2020. This version of this provision has been superseded.

Changes to legislation: Town and Country Planning Act 1990, Section 240 is up to date with all changes known to be in force on or before 26 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

(b) for the removal or disposal of any monuments,
 and section 25 of the ^{M1}Burial Act 1857 (prohibition of removal of human remains without the licence of the Secretary of State except in certain cases) does not apply to a removal carried out in accordance with the regulations.

(3) In sections 238 and 239 and 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,

“monument” includes a tombstone or other memorial, and

“relevant acquisition or appropriation” means an acquisition made by a Minister, a local authority or statutory undertakers under this Part or Chapter V of Part I of the ^{M2}Planning (Listed Buildings and Conservation Areas) Act 1990 or compulsorily under any other enactment, or an appropriation by a local authority for planning purposes.

Modifications etc. (not altering text)

- C1** Ss. 238-240 applied (25.7.2003 and 29.12.2003 in accordance with the commencing S.I.s) by [Communications Act 2003 \(c. 21\)](#), ss. 118, 411, [Sch. 4 para. 3\(5\)\(6\)\(a\)](#) (with transitional provisions in [Sch. 18](#)); S.I. 2003/1900, arts. 1(2), [2\(1\)](#), [Sch. 1](#) (with transitional provisions in arts. 3-6); S.I. 2003/3142, arts. 1(2), [3\(2\)](#) (with art. 11)
- Ss. 238-240 applied (1.4.2004) by [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\)](#), ss. 34, 199, [Sch. 4 para. 86](#); S.I. 2004/759, [art. 2](#)
- C2** S. 240(1) modified (15.9.2016) by [The River Humber Gas Pipeline Replacement Order 2016 \(S.I. 2016/853\)](#), arts. 1, [20\(15\)](#) (with art. 43)
- C3** S. 240(1) modified (29.10.2020) by [The Southampton to London Pipeline Development Consent Order 2020 \(S.I. 2020/1099\)](#), arts. 1, [37\(17\)](#) (with art. 32, [Sch. 9 para. 36](#))
- C4** S. 240(3) modified (15.9.2016) by [The River Humber Gas Pipeline Replacement Order 2016 \(S.I. 2016/853\)](#), arts. 1, [20\(15\)](#) (with art. 43)
- C5** S. 240(3) modified (29.10.2020) by [The Southampton to London Pipeline Development Consent Order 2020 \(S.I. 2020/1099\)](#), arts. 1, [37\(17\)](#) (with art. 32, [Sch. 9 para. 36](#))

Marginal Citations

- M1** 1857 c. 81.
M2 1990 c. 9.

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