



# Burial Act 1857

1857 CHAPTER 81 20 and 21 Vict

## [<sup>F1</sup>25 Offence of removal of body from burial ground

- (1) It is an offence for a body or any human remains which have been interred in a place of burial to be removed unless one of the conditions listed in subsection (2) is complied with.
- (2) The conditions referred to in subsection (1) are—
  - (a) the body or remains is or are removed in accordance with a faculty granted by the court;
  - (b) the body or remains is or are removed in accordance with the approval of a proposal under the Care of Cathedrals Measure 2011 (No. 1) by the Cathedrals Fabric Commission for England or a fabric advisory committee;
  - (c) unless the body or remains is or are interred in land which is subject to the jurisdiction of the court or its or their removal requires or require the approval of a proposal under the Care of Cathedrals Measure 2011, the body or remains is or are removed under a licence from the Secretary of State and in accordance with any conditions attached to the licence.
- (3) A person who removes a body or remains in contravention of subsections (1) and (2) is liable, on summary conviction, to a fine not exceeding level 1 on the standard scale.
- (4) In subsection (2)(a) and (c) “court” means
  - [<sup>F2</sup>(a)] the consistory court of the diocese or, in the diocese of Canterbury, the commissary court of that diocese [<sup>F3</sup>, or
  - (b) any other court or body referred to in section 9, 16, 19 or 21 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018 (Arches and Chancery Courts, Court of Ecclesiastical Causes Reserved, Commission of Review, Privy Council) and having jurisdiction to determine the matter.]]

### Textual Amendments

- F1** S. 25 substituted (1.1.2015) by [Church of England \(Miscellaneous Provisions\) Measure 2014 \(No. 1\)](#), [ss. 2, 21\(2\)](#); [S.I. 2014/2077](#), [art. 2\(2\)](#) (with [Sch. paras. 1,2](#))

*Status: Point in time view as at 11/10/2023. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Burial Act 1857, Section 25. (See end of Document for details)*

- F2** S. 25(4)(a): words in s. 25(4) renumbered as s. 25(4)(a) (1.9.2018) by Ecclesiastical Jurisdiction and Care of Churches Measure 2018 (No. 3), s. 99(2), **Sch. 3 para. 1(1)(a)** (with Sch. 4 Pt. 1); S.I. 2018/720, art. 2
- F3** S. 25(4)(b): words in s. 25(4) substituted to become s. 25(4)(b) (1.9.2018) by Ecclesiastical Jurisdiction and Care of Churches Measure 2018 (No. 3), s. 99(2), **Sch. 3 para. 1(1)(b)** (with Sch. 4 Pt. 1); S.I. 2018/720, art. 2

#### **Modifications etc. (not altering text)**

- C1** S. 25 excluded (11.3.2015) by The Dogger Bank Creyke Beck Offshore Wind Farm Order 2015 (S.I. 2015/318), arts. 1, **20(14)** (with arts. 40, 41, Sch. 12 Pt. 1 paras. 4, 9(2), 10, Pt. 2 paras. 4(2)(3), 19, Pt. 4 paras. 3, 4, 16)
- C2** S. 25 excluded (1.4.2015) by The Knottingley Power Plant Order 2015 (S.I. 2015/680), arts. 1, **17(14)** (with Sch. 8 para. 10)
- C3** S. 25 excluded (14.8.2015) by The Progress Power (Gas Fired Power Station) Order 2015 (S.I. 2015/1570), arts. 1, **17(14)**
- C4** S. 25 excluded (26.8.2015) by The Dogger Bank Teesside A and B Offshore Wind Farm Order 2015 (S.I. 2015/1592), arts. 1, **21(14)** (with arts. 40, 41)
- C5** S. 25 excluded (19.11.2015) by The Ferrybridge Multifuel 2 Power Station Order 2015 (S.I. 2015/1832), arts. 1(2), **20(13)**
- C6** S. 25 excluded (12.1.2016) by The London Underground (Bank Station Capacity Upgrade) Order 2015 (S.I. 2015/2044), arts. 1, **35(14)**
- C7** S. 25 excluded (25.3.2016) by The Thorpe Marsh Gas Pipeline Order 2016 (S.I. 2016/297), arts. 1, **19(14)** (with art. 39)
- C8** S. 25 excluded (15.9.2016) by The River Humber Gas Pipeline Replacement Order 2016 (S.I. 2016/853), arts. 1, **20(14)** (with art. 43)
- C9** S. 25 excluded (27.9.2016) by The Triton Knoll Electrical System Order 2016 (S.I. 2016/880), arts. 1(2), **14(14)** (with arts. 39, 40, Sch. 8 para. 19)
- C10** S. 25 excluded (29.3.2017) by The Glyn Rhonwy Pumped Storage Generating Station Order 2017 (S.I. 2017/330), arts. 1, **28(14)** (with art. 31)
- C11** S. 25 excluded (14.12.2017) by New Southgate Cemetery Act 2017 (c. ii), ss. 1, **4(14)**
- C12** S. 25 excluded (12.10.2018) by The Eggborough Gas Fired Generating Station Order 2018 (S.I. 2018/1020), arts. 1, **16(13)** (with arts. 6, 42)
- C13** S. 25 excluded (25.10.2019) by The Drax Power (Generating Stations) Order 2019 (S.I. 2019/1315), arts. 1, **18(13)**
- C14** S. 25 excluded (4.3.2020) by The Midland Metro (Birmingham Eastside Extension) Order 2020 (S.I. 2020/141), arts. 1, **27(14)** (with arts. 47, 48, Sch. 10 para. 19)
- C15** S. 25 excluded (11.6.2020) by The M42 Junction 6 Development Consent Order 2020 (S.I. 2020/528), arts. 1, **48(16)** (with art. 37)
- C16** S. 25 excluded (18.6.2020) by The A63 (Castle Street Improvement, Hull) Development Consent Order 2020 (S.I. 2020/556), arts. 1, **36(13)** (with arts. 5, 44)
- C17** S. 25 excluded (22.7.2020) by The Norfolk Vanguard Offshore Wind Farm Order 2020 (S.I. 2020/706), arts. 1, **17(14)** (with arts. 41, 42, Sch. 16 para. 66)
- C18** S. 25 excluded (1.9.2020) by The Immingham Open Cycle Gas Turbine Order 2020 (S.I. 2020/847), arts. 1, **17(13)** (with Sch. 9 para. 144)
- C19** S. 25 excluded (15.10.2020) by The Great Yarmouth Third River Crossing Development Consent Order 2020 (S.I. 2020/1075), arts. 1, **55(17)**
- C20** S. 25 excluded (29.10.2020) by The Southampton to London Pipeline Development Consent Order 2020 (S.I. 2020/1099), arts. 1, **37(16)** (with art. 32, Sch. 9 para. 36)
- C21** S. 25 excluded (19.2.2021) by The A303 Sparkford to Ilchester Dualling Development Consent Order 2021 (S.I. 2021/125), arts. 1, **46(14)** (with arts. 4, 47)
- C22** S. 25 excluded (1.1.2022) by The Norfolk Boreas Offshore Wind Farm Order 2021 (S.I. 2021/1414), arts. 1, **17(14)** (with arts. 41, 42, Sch. 17 para. 66)

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- C23** S. 25 excluded (5.3.2022) by The Norfolk Vanguard Offshore Wind Farm Order 2022 (S.I. 2022/138), arts. 1, **17(14)** (with arts. 41, 42, Sch. 16)
- C24** S. 25 excluded (10.3.2022) by The Thurrock Flexible Generation Plant Development Consent Order 2022 (S.I. 2022/157), arts. 1, **18(13)** (with Sch. 8 Pt. 6 para. 19)
- C25** S. 25 excluded (21.4.2022) by Highgate Cemetery Act 2022 (c. i), ss. 1, **5(17)**
- C26** S. 25 excluded (27.4.2022) by The Little Crow Solar Park Order 2022 (S.I. 2022/436), arts. 1, **12(15)**
- C27** S. 25 excluded (11.8.2022) by The Sizewell C (Nuclear Generating Station) Order 2022 (S.I. 2022/853), arts. 1, **78(14)** (with arts. 62, 76, 87)
- C28** S. 25 excluded (8.9.2022) by The Manston Airport Development Consent Order 2022 (S.I. 2022/922), arts. 1, **37(14)** (with arts. 5, 40)
- C29** S. 25 excluded (8.9.2022) by The A428 Black Cat to Caxton Gibbet Development Consent Order 2022 (S.I. 2022/934), arts. 1, **52(16)**
- C30** S. 25 excluded (4.11.2022) by The A47/A11 Thickthorn Junction Development Consent Order 2022 (S.I. 2022/1070), arts. 1, **41(13)** (with arts. 4, 52, Sch. 9 para. 82)
- C31** S. 25 excluded (7.12.2022) by The A417 Missing Link Development Consent Order 2022 (S.I. 2022/1248), arts. 1, **41(14)** (with art. 4)
- C32** S. 25 excluded (10.3.2023) by The A47 Wansford to Sutton Development Consent Order 2023 (S.I. 2023/218), arts. 1, **51(15)** (with arts. 4, 50)
- C33** S. 25 excluded (27.7.2023) by The Boston Alternative Energy Facility Order 2023 (S.I. 2023/778), arts. 1, **40(3)** (with arts. 5, 53, Sch. 8 paras. 6, 64)
- C34** S. 25 excluded (4.8.2023) by The A303 (Amesbury to Berwick Down) Development Consent Order 2023 (S.I. 2023/834), arts. 1, **16(17)** (with arts. 6(2), 18, Sch. 11 paras. 5, 30)
- C35** S. 25 excluded (7.9.2023) by The A38 Derby Junctions Development Consent Order 2023 (S.I. 2023/923), arts. 1, **49** (with arts. 4, 45, Sch. 9 paras. 6, 46, 54(1))
- C36** S. 25 excluded (11.10.2023) by The Awel y Môr Offshore Wind Farm Order 2023 (S.I. 2023/1033), arts. 1, **17(13)**

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**Changes to legislation:**

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