(2) Any expenses incurred by the owner or occupier of any land for the purpose of complying with an enforcement notice served under the last foregoing section in respect of any **works**, and any sums paid by the owner of any land under the foregoing subsection in respect of the expenses of **the authority** in taking steps required to be taken by such a notice, shall be deemed to be incurred or paid for the use and at the request of the person by whom the **works** were carried out.

(3) Where, by virtue of an enforcement notice, ... any conditions are required to be complied with in respect of ..... the carrying out of any operations thereon, then if any person, without the grant of **consent** in that behalf under **this order** ..... carries out or causes or permits to be carried out those operations, in contravention of the notice, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifty pounds .....

.....

Given under the Official Seal of the Minister of Town and Country Planning this twenty-eighth day of July, 1948.

(L.S.) (Sgd.) *Lewis Silkin,*
Minister of Town and Country Planning.

EXPLANATORY NOTE

(This Note is not part of these Regulations, but is intended to indicate their general purport.)

These regulations deal with the form of building preservation orders made under section 29 of the Town and Country Planning Act, 1947, and the procedure to be followed in connection with the submission and confirmation of such orders.

4. CHURCHES, PLACES OF RELIGIOUS WORSHIP, ETC.

The Town and Country Planning (Churches, Places of Religious Worship and Burial Grounds) Regulations, 1948

1948 No. 401

Made - - - - *28th February*, 1948
Laid before Parliament *1st March*, 1948
Coming into Operation *15th March*, 1948

B2140.

The Minister of Town and Country Planning in exercise of the powers conferred upon him by Section 28 of the Town and Country Planning Act, 1944, and of all other powers enabling him in that behalf hereby makes the following Regulations:— 7 & 8 Geo. 6. c. 47.

1. These Regulations may be cited as the Town and Country Planning (Churches, Places of Religious Worship and Burial Grounds) Regulations, 1948, and shall come into force on the 15th day of March, 1948.

2.—(1) In these Regulations unless the context otherwise requires—

" the Act " means the Town and Country Planning Act, 1944.

" the Minister " means the Minister of Town and Country Planning.

" the Bishop " means the Bishop of the Diocese in which the land is situate.

" the Appropriate Denominational Authority " means, in the case of consecrated land, the Bishop, and in the case of any other land, such person or persons as shall be designated for the purpose by the controlling body of the religious denomination for whose purposes the land has been or is being used.

" land " means any land which has been acquired or appropriated for the purposes of Part I of the Act, and which at the time of acquisition or appropriation was consecrated land, or included any church or other building used or formerly used for religious worship, or the site thereof, or consisted of a burial ground or part of a burial ground.

" acquiring or appropriating authority " includes any person deriving title from or under that Authority.

52 & 53 Vict. c. 63. (2) The Interpretation Act, 1889, shall apply to these Regulations as it applies to the interpretation of an Act of Parliament.

3.—(1) No consecrated land shall be used by the acquiring or appropriating authority so long as any church or other building used or formerly used for religious worship, or any part thereof, remains on such land, without the consent of the Bishop having been obtained.

(2) The use of any land by the acquiring or appropriating authority so long as any church or other building used or formerly used for religious worship, or any part thereof, remains on such land, shall in the case of consecrated land, be subject to the like control as imposed by law in the case of a similar use authorised by an enactment other than the Act or by a Measure, and in the case of any other land, be for such religious, charitable, educational, municipal or other purposes, as are not inconsistent with the last use of the land by the religious denomination at or before the date of acquisition or appropriation.

Provided that in the case of land other than consecrated land, the Minister may, on presentation by the acquiring or appropriating authority of a certificate from the appropriate denominational authority that no objection is raised by that authority to any particular use of the land, authorise such use.

4. The fixtures and furnishings of any church or other building used for religious worship situate on the land shall be at the disposal of the appropriate denominational authority as that authority may think fit, and where any such fixtures and furnishings are not disposed of by that authority within three months of the date of acquisition or appropriation, the acquiring or appropriating authority shall, before disposal, cause to be defaced such ornamentation, symbols and inscriptions as the appropriate denominational authority may require.

5. When a church or other building used for religious worship has ceased to be used as such by reason of the land forming the site thereof having been acquired or appropriated under the Act, the appropriate denominational authority shall forward or cause to be forwarded the current volumes of the marriage registers kept for such church or building to the Registrar-General, in order that they may be formally closed.

6.—(1) The person in whom the land is vested shall, before removing and reinterring any human remains or before disposing of any tombstones, monuments or other memorials, publish a notice of intention so

to do at least once during each of two successive weeks, with an interval between each publication of at least six days, in a local newspaper.

(2) Any notice required by the last preceding paragraph to be published shall contain—

(*a*) the address at which these may be inspected, the names and dates of death, where known, of the deceased persons whose remains it is proposed to reinter, and descriptions of the tombstones, monuments, and other memorials of which it is proposed to dispose,

(*b*) a statement as to the right of the personal representatives or relatives of any deceased person themselves to undertake the removal and reinterment of the remains of the deceased, and the disposal of any tombstone, monument or other memorial commemorating the deceased, within the time specified in these Regulations,

(*c*) a statement of any requirements imposed, in the case of consecrated land by the Bishop with respect to the manner of removal, and the place and manner of reinterment of human remains, and the disposal of tombstones, monuments and other memorials, and in any case, of any directions that have been given by the Secretary of State with respect to the removal and reinterment of human remains; and

(*d*) a statement as to the extent to which the person in whom the land is vested is required by these Regulations to defray the expenses of such removal, reinterment and disposal.

7.—(1) The personal representatives or relatives of any deceased person whose remains are interred in the land may, on giving to the person in whom the land is vested notice within such time as is hereinafter prescribed, themselves remove any such remains, and may dispose of any tombstone, monument or other memorial commemorating the deceased, and the person in whom the land is vested shall defray the cost of such removal, reinterment or disposal, as respects the remains removed from any one grave, up to the sum of fifteen pounds; as respects any tombstone or memorial, up to the sum of fifteen pounds; and as respects any other memorial, up to the sum of fifteen pounds.

(2) A notice under the preceding paragraph may be given at any time within one month of the last publication of the notice prescribed by Regulation 6 of these Regulations, and if the removal, reinterment or disposal, as the case may be, has not been carried out by the personal representatives or relatives in accordance with the provisions of these Regulations within two months from the date of the notice given under the preceding paragraph, the person in whom the land is vested may carry out the removal, reinterment and disposal as if such notice had not been given.

8. Any human remains interred in the land which have not been removed and reinterred by the personal representatives or relatives of the deceased person within the time prescribed by these Regulations shall, on removal by the person in whom the land is vested, be reinterred in such land as may be indicated as being reasonably available for the purpose by the appropriate denominational authority, and failing any such land being so indicated, shall be reinterred in any cemetery or burial ground, and the person in whom the land is vested shall in

carrying out the reinterment, have due regard to the setting apart of any portion of such cemetery or burial ground for burial in connection with any particular religious denomination.

9. Any tombstone, monument or other memorial not disposed of by the personal representatives or relatives of a deceased person shall be offered by the person in whom the land is vested to the appropriate denominational authority for disposal as that authority thinks fit, and if not accepted by that authority, shall be broken and defaced before being disposed of otherwise.

10. Before disposing of any tombstone, monument or other memorial the person in whom the land is vested shall, if so required by the Minister, submit particulars of such tombstone, monument or memorial to the Royal Fine Art Commission for a report, and shall forward a copy of such report to the Minister, and where the Minister has so required such submission, the person in whom the land is vested shall not dispose of the tombstone, monument or memorial except in accordance with such directions as may be given by the Minister.

11. Notwithstanding anything contained in Regulations 7 and 8 of these Regulations—

(*a*) In the case of consecrated land the manner of removal and reinterment of any human remains and the disposal of any tombstones, monuments or other memorials removed from the lands shall be subject to such reasonable conditions as may be imposed by the Bishop, either generally or in any particular case.

(*b*) In the case of any land, the removal and reinterment of any human remains shall be subject to such directions as may be given by the Secretary of State, either generally or in any particular case.

Dated this 28th day of February, 1948.

Given under the Official Seal of the Minister of Town and Country Planning.

Lewis Silkin,
Minister of Town and Country Planning.

EXPLANATORY NOTE

(*This Note is not part of these Regulations, but is intended to indicate their general purport.*)

These regulations, which are made under Section 28 of the Town and Country Planning Act, 1944, prescribe the terms and conditions governing the use of land, consecrated or otherwise, acquired or appropriated for the purposes of the Act, and occupied or formerly occupied as churches, places of religious worship or burial grounds, including conditions governing the removal and reinterment, the treatment and removal of memorials of any kind, and the expenses incidental thereto.