

Law Commission consultation on burial and cremation

Overview

This is a public consultation by the Law Commission for England and Wales.

We are consulting on provisional proposals for reform to burial and cremation law. That includes provisional proposals relating to grave reuse and reclamation, regulation of burial grounds, and aspects of cremation law relating to ash remains, among other issues.

For more information about this project, click [here](https://lawcom.gov.uk/project/burial-and-cremation/) .

We recommend that consultees read the consultation paper before responding to the consultation. A shorter summary is also available. Both documents are available on the Burial and Cremation project page, at <https://www.lawcom.gov.uk/project/burial-and-cremation/> . Consultees do not need to answer all the questions if they are only interested in some aspects of the consultation.

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What is your name?

(Required)

What is the name of your organisation?

ALCESTER TOWN COUNCIL

Are you responding to this consultation in a personal capacity or on behalf of your organisation?

(Required)

Please select only one item

- Personal response
- Response on behalf of organisation
- Other (please state)

If other, please state

What is your email address?

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What is your telephone number?

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Chapter 1: Introduction

Chapter 1 is the introduction to our consultation paper. It does not contain any provisional proposals for change, or consultation questions.

Chapter 2: Approaches to regulating burial grounds

Consultation Question 1.

See paragraph 2.50 of the consultation paper.

We provisionally propose that there should not be a single uniform burial law applying to private, local authority, Church of England and Church in Wales burial grounds. Instead, we provisionally propose that different aspects of regulation should be introduced for different types of burial grounds, where there is a case for doing so.

Do consultees agree?

Please select only one item

- Yes
- No
- Don't know

Consultation Question 2.

See paragraph 2.65 of the consultation paper.

We provisionally propose that regulation of private burial grounds should encompass any land where the primary purpose is, or has been, burial.

Do consultees agree?

Please select only one item

- Yes
- No
- Don't know

We invite consultees' views on whether the definition of burial in the Local Authorities' Cemeteries Order 1977 has caused any problems.

No problems identified.

Consultation Question 3.

See paragraph 2.84 of the consultation paper.

We provisionally propose that:

1. it should be a criminal offence for a person making a burial outside a burial ground to knowingly fail to register it;
2. it should be a criminal offence for a person transferring an interest in that land, or creating a lease of more than 21 years on that land, to knowingly fail to transfer the burial register to the new owner or lessee; or for the lessee to knowingly fail to transfer it to the owner at the end of the lease; and
3. the maximum penalty for these offences should be a fine at level 2 on the standard scale (£500).

Do consultees agree?

Please select only one item

- Yes
 No
 Don't know

Consultation Question 4.

See paragraph 2.102 of the consultation paper.

We provisionally propose that in a local authority cemetery, the religious services that accompany a burial in all areas reserved or consecrated to a religious faith should be restricted to those of that faith, or to no service at all.

Do consultees agree?

Please select only one item

- Yes
 No
 Don't know

Chapter 3: Maintenance and burial specifications

Consultation Question 5.

See paragraph 3.69 of the consultation paper.

We provisionally propose that every burial ground owner should be required to maintain their burial ground in good order appropriate to its current use.

Do consultees agree?

Please select only one item

- Yes
- No
- Don't know

Consultation Question 6.

See paragraph 3.78 of the consultation paper.

We invite consultees' views on whether problems of poor maintenance of burial grounds are sufficient to impose requirements on burial ground operators, over and above setting a uniform standard of maintenance.

Not aware of such issues.

We invite consultees to provide examples or evidence of issues with poor maintenance that would potentially justify such requirements.

Not aware of such issues

We invite consultees' views as to whether, if further regulatory action should be taken in relation to the maintenance of burial grounds:

1. the Secretary of State should issue a statutory code of practice for burial ground maintenance, following consultation with stakeholders; or
2. all burial ground operators should be required to publish a management plan on a periodic basis.

We do not believe that this is required

Consultation Question 7.

See paragraph 3.89 of the consultation paper.

We provisionally propose that the Secretary of State should continue to be able to authorise inspections of burial grounds. Where an inspection finds that the law is not being complied with, the Secretary of State should be able to issue a notice requiring actions to be taken to bring the burial ground into compliance.

Do consultees agree?

Please select only one item

- Yes
- No
- Don't know

Consultation Question 8.

See paragraph 3.95 of the consultation paper.

We provisionally propose the abolition of the offence of failing to adhere to cemetery regulations in section 8 of the Burial Act 1855.

Do consultees agree?

Please select only one item

- Yes
- No
- Don't know

Consultation Question 9.

See paragraph 3.101 of the consultation paper.

We invite consultees' views on whether the Secretary of State should have the power to direct that a local authority takes over the management of a burial ground which has failed to comply with the actions required in a notice, and whether local authorities in such circumstances should have the power to charge costs back to the cemetery owner.

We support this proposal.

Consultation Question 10.

See paragraph 3.119 of the consultation paper.

We invite consultees' views on what the minimum burial depth should be for bodies buried in a non-perishable coffin, and for bodies buried in a perishable coffin or wrappings.

We do not have the knowledge to respond to this question.

We provisionally propose that:

1. in all burial grounds there should be six inches of soil between two coffins or bodies which are interred in the same grave; and
2. for walled graves or vaults, there should be a requirement for them to be properly constructed of suitable materials, and for the coffin to be embedded in concrete or enclosed in a separate airtight compartment within 24 hours of the interment.

Do consultees agree?

Please select only one item

- Yes
- No
- Don't know

We provisionally propose the creation of a new criminal offence of recklessly breaching minimum burial requirements, with a maximum penalty on summary conviction of a fine at level 2 on the standard scale (£500).

Do consultees agree?

Please select only one item

- Yes
- No
- Don't know

Chapter 4: Burial rights and memorials

Consultation Question 11.

See paragraph 4.66 of the consultation paper.

We provisionally propose that, in relation to all cemeteries:

1. it should be a requirement for all burial rights, both exclusive and non-exclusive, and memorial rights, to be issued in writing;
2. where this requirement is not met on the grant of a burial right, the purchaser should be able to request that their burial right is made out in writing, and that where the operator does not comply within a month the Secretary of State should have the power to issue a civil penalty; and
3. that where a burial right has not been issued in writing, there should be a presumption that the right is a statutory exclusive burial right.

Do consultees agree?

Please select only one item

- Yes
- No
- Don't know

Consultation Question 12.

See paragraph 4.73 of the consultation paper.

We invite consultees' views as to whether an optional scheme of statutory exclusive burial rights should be introduced for private cemeteries which are not already governed by their own Act of Parliament.

We have no view on this question.

If consultees support the introduction of an optional scheme of statutory exclusive burial rights, we invite consultees' views on the following.

1. Should the right be able to be assigned by deed or inherited?
2. Should the right have a maximum duration of 100 years, subject to extension at the discretion of the cemetery operator?
3. Should there be any other features of such a scheme?

NIA

Consultation Question 13.

See paragraph 4.86 of the consultation paper.

We provisionally propose that:

1. in its cemetery, a local authority should have the power to grant a memorial right to any relative of a person buried in a grave if no memorial has been placed on the grave two years after the burial; and
2. if there is a dispute between different relatives, or between the relatives and the owner of the exclusive burial right, a local authority should only have the power to grant the right to a neutral memorial displaying the name of the deceased person and their dates of birth and death.

Do consultees agree?

Please select only one item

- Yes
- No
- Don't know

Consultation Question 14.

See paragraph 4.118 of the consultation paper.

We provisionally propose that a local authority should be permitted to maintain a tombstone, memorial or vault without the consent of its owner, if they have served notice on the owner at their last address known to the authority, and the owner has not objected within three months of such notice being served.

Do consultees agree?

Please select only one item

- Yes
- No
- Don't know

Chapter 5: Record keeping

Consultation Question 15.

See paragraph 5.72 of the consultation paper.

We provisionally propose that:

1. a consistent system of burial registration should be introduced;
2. the requirement for burials (of both bodies and cremated remains) to be registered as soon as possible should be retained;
3. all burial ground operators should be under a statutory duty to keep the following documents:
 - a. a burial register;
 - b. a register of disinterments;
 - c. a plan of the burial ground; and
 - d. a register of rights granted; and
4. these records should be kept either electronically or on paper.

Do consultees agree?

Please select only one item

- Yes
 No
 Don't know

We provisionally propose the repeal of the criminal offences of failing to register a burial:

1. by a private burial ground operator where registration is not governed by an Act of Parliament; and
2. by a Church of England minister when a burial takes place in consecrated ground in a Church of England churchyard without the rites of the Church of England.

Do consultees agree?

Please select only one item

- Yes
 No
 Don't know

Consultation Question 16.

See paragraph 5.80 of the consultation paper.

We invite consultees' views as to whether burial registration documents should be sent to the General Register Office or Historic England when a burial ground closes.

Agreed.

Consultation Question 17.

See paragraph 5.86 of the consultation paper.

We provisionally propose that the criminal offences relating to burying a child as if it were stillborn and burying more than one body in a coffin should be repealed.

Do consultees agree?

Please select only one item

- Yes
- No
- Don't know

Chapter 6: Grave reuse and reclamation

Consultation Question 18.

See paragraph 6.81 of the consultation paper.

We provisionally propose that any grave reuse powers should apply to common or public graves, and to those where exclusive rights of burial have expired, as well as those where exclusive rights of burial have been extinguished.

Do consultees agree?

Please select only one item

- Yes
- No
- Don't know

Consultation Question 19.

See paragraph 6.94 of the consultation paper.

We invite consultees' views on the minimum time that must elapse between the last burial in a grave, and the burial rights in that grave being extinguished and the grave being reused. Should it be:

Please select only one item

- 75 years
- 100 years; or
- a different period (please write in below)?

Please write in a different period, if preferred

We invite consultees' views as to whether there should be a requirement that a grave must not be reused if it still contains significant remains from a previous burial.

If so, we invite consultees' views on what should count as "significant remains".

We do not think that such a requirement is needed.

We invite consultees' views on whether there is a case for the Secretary of State to be able to permit certain cemeteries to reuse graves after a shorter period of time in exceptional circumstances, and where the people making burials in the graves which are to be reused consent to it.

Agreed.

Consultation Question 20.

See paragraph 6.106 of the consultation paper.

We provisionally propose that, in any extension of grave reuse and burial right extinguishment powers, notices should be posted:

1. on the burial ground operator's website if they have one;
2. in local newspapers;
3. by the grave and entrances to the cemetery; and
4. should be sent to the last known address of the owner of the burial rights and memorial.

Do consultees agree?

Please select only one item

- Yes
- No
- Don't know

It seems unlikely that the last known address will be relevant for a burial taking place over 75 years ago.

We provisionally propose that one notice should suffice for both grave reuse and extinguishing burial rights.

Do consultees agree?

Please select only one item

- Yes
- No
- Don't know

Consultation Question 21.

See paragraph 6.111 of the consultation paper.

We provisionally propose that in any extension of grave reuse powers, remains which are moved in order to reuse a grave must be either reinterred in the original grave, or in another grave in the same cemetery, below the level of the ground in a grave consisting wholly or substantially of earth.

Do consultees agree?

Please select only one item

- Yes
- No
- Don't know

Consultation Question 22.

See paragraph 6.113 of the consultation paper.

We provisionally propose that burial ground operators should be required to keep a register of disinterments.

Do consultees agree?

Please select only one item

- Yes
- No
- Don't know

Consultation Question 23.

See paragraph 6.117 of the consultation paper.

We provisionally propose that burial ground operators should be required to disclose the fact that a grave has been reused or reclaimed to potential purchasers.

Do consultees agree?

Please select only one item

- Yes
- No
- Don't know

Consultation Question 24.

See paragraph 6.130 of the consultation paper.

We provisionally propose that burial ground operators should be able to apply to the Secretary of State for a decision enabling them to extinguish burial rights in graves and reuse graves, on a case-by-case basis.

Do consultees agree?

Please select only one item

- Yes
- No
- Don't know

We invite consultees' views on whether applications for grave reuse and reclamation powers should be made:

Please select only one item

- by each burial authority to cover all of their burial grounds; or
- for each burial ground individually.

We provisionally propose that an application for grave reuse and reclamation powers should be accompanied by:

1. a grave reuse and reclamation plan setting out any additional mitigation proposed and identifying the graves which are intended to be affected; and
2. the results of a consultation with those living near the burial ground and those with friends or relatives buried in the burial ground.

Do consultees agree?

Please select only one item

- Yes
- No
- Don't know

Definition required of "those living near the burial ground". How near?

Chapter 7: Closure and reopening of burial grounds

Consultation Question 25.

See paragraph 7.62 of the consultation paper.

We provisionally propose that a burial ground, or any other specified area, should be closed to new interments by a decision of the Secretary of State, rather than by Order in Council.

Do consultees agree?

Please select only one item

- Yes
- No
- Don't know

Consultation Question 26.

See paragraph 7.73 of the consultation paper.

We provisionally propose that the Secretary of State should have the power to close a burial ground where:

- 1. there is no useable space for new burials in graves which are free from exclusive burial rights;
- 2. the legal minimum standard of maintenance or burial specifications have not been complied with; or
- 3. the burial ground represents a risk to public health.

Do consultees agree?

Please select only one item

- Yes
- No
- Don't know

We invite consultees' views as to whether there are other reasons why a burial ground should be closed to new interments.

We are not aware of other reasons.

We provisionally propose that the Secretary of State must post notice of the intention to close a burial ground at the entrances to the burial ground, and in the London Gazette, for two months before a burial ground can be closed.

Do consultees agree?

Please select only one item

- Yes
- No
- Don't know

Consultation Question 27.

See paragraph 7.81 of the consultation paper.

We provisionally propose that the fault element of the offence of burying a body in a closed burial ground should be knowledge that the burial ground has been closed to further burials.

Do consultees agree?

Please select only one item

- Yes
- No
- Don't know

We provisionally propose that the maximum sentence for the offence of burying a body in a closed burial ground is increased to level 3 on the standard scale of fines, which is currently set at £1,000.

Do consultees agree?

Please select only one item

- Yes
- No
- Don't know

Consultation Question 28.

See paragraph 7.86 of the consultation paper.

We provisionally propose that the existing exceptions to the power to close a burial ground to new interments should be ended, and that the existing exemption in relation to burials with the approval of the Sovereign in St Paul's Cathedral or Westminster Abbey should be extended to include all royal peculiarities.

Do consultees agree?

Please select only one item

- Yes
- No
- Don't know

Consultation Question 29.

See paragraph 7.91 of the consultation paper.

We provisionally propose that the Secretary of State should have the power to reopen burial grounds which have been closed to new interments, with the agreement of the burial ground owner, or the incumbent. Burial grounds could be reopened in full, or partially by reference to a particular area or purpose.

Do consultees agree?

Please select only one item

- Yes
- No
- Don't know

Consultation Question 30.

See paragraph 7.100 of the consultation paper.

We provisionally propose that where a closed Church of England churchyard is reopened, any local authority which has become legally responsible for its maintenance should continue to have that responsibility.

Do consultees agree?

Please select only one item

- Yes
- No
- Don't know

We invite consultees' views on whether Church of England fees for funerals and burial should be shared with local authorities, or whether an additional fee payable to local authorities should be charged, in relation to reopened churchyards.

Additional fee to a local authority should be paid.

Consultation Question 31.

See paragraph 7.108 of the consultation paper.

We invite consultees' views on whether the Church in Wales should be able to transfer the responsibility for maintaining its churchyards and burial grounds to the community council or county council, on the same model as in place in England.

No view.

Chapter 8: Exhumation and building on disused burial grounds

Consultation Question 32.

See paragraph 8.95 in the consultation paper.

We provisionally propose that the fault element required for the commission of the offence of unlawful exhumation should be recklessness.

Do consultees agree?

Please select only one item

- Yes
- No
- Don't know

Consultation Question 33.

See paragraph 8.99 in the consultation paper.

We provisionally propose that the maximum penalty for unlawful exhumation should be an unlimited fine on summary conviction, or imprisonment for a term not exceeding three years, or both, on indictment.

Do consultees agree?

Please select only one item

- Yes
- No
- Don't know

Consultation Question 34.

See paragraph 8.105 of the consultation paper.

We provisionally propose that the offence of exhuming human remains without authorisation should include removing human remains from the grave without lifting those remains above ground (so-called "coffin sliding").

Do consultees agree?

Please select only one item

- Yes
- No
- Don't know

Consultation Question 35.

See paragraph 8.111 of the consultation paper.

We provisionally propose that there should be an exception to the exhumation offence where the exhumation is authorised by a police officer of at least the rank of Inspector, who has reasonable grounds to believe that an exhumation is urgently necessary to prevent forensic evidence from being lost.

Do consultees agree?

Please select only one item

- Yes
- No
- Don't know

Consultation Question 36.

See paragraph 8.123 of the consultation paper.

We provisionally propose that the scheme in the Disused Burial Grounds (Amendment) Act 1981 permitting building on a disused burial ground and exhumation without a licence or faculty, where notice requirements are met, should be extended to all private and local authority burial grounds.

Do consultees agree?

Please select only one item

- Yes
- No
- Don't know

We invite consultees' views on the appropriate period of time during which an objection by the personal representative or close relatives of a deceased person should prevent building works from taking place on the burial ground in which they are interred. Should it be:

Please select only one item

- 50 years;
- 75 years;
- 100 years; or
- another period?

We provisionally propose that it should be a criminal offence to fail to comply with directions issued by the Secretary of State as to how remains exhumed for development purposes should be reinterred or cremated, with a maximum sentence of an unlimited fine on summary conviction, or imprisonment for a term not exceeding three years, or both, on indictment.

Do consultees agree?

Please select only one item

- Yes
- No
- Don't know

Chapter 9: Commonwealth War Graves Commission

Consultation Question 37.

See paragraph 9.74 of the consultation paper.

We provisionally propose that:

1. every time a local authority burial authority seeks to exercise powers under articles 10(5) or 16(2) of LACO 1977, it should be required to notify the CWGC; and
2. it should be a requirement for the local authority to share information about which graves it intends to take this action in relation to, and then for the CWGC to confirm whether the grave is a Commonwealth war grave.

Do consultees agree?

Please select only one item

- Yes
- No
- Don't know

Consultation Question 38.

See paragraph 9.80 of the consultation paper.

We provisionally propose that where a local authority has followed the process to obtain the right to maintain a monument whose owner cannot be contacted:

1. the consent of the CWGC should be required for the local authority to undertake ordinary maintenance to Commonwealth war graves in relation to which they do not own the memorial or the burial rights; and
2. the CWGC should have the right to maintain such graves.

Do consultees agree?

Please select only one item

- Yes
- No
- Don't know

We provisionally propose that the CWGC should be able to maintain any memorial over a Commonwealth war grave in a private burial ground without the consent of its owner, if a notice has been served on the owner of the memorial right and they have not responded within three months.

Do consultees agree?

Please select only one item

- Yes
- No
- Don't know

Consultation Question 39.

See paragraph 9.85 of the consultation paper.

We provisionally propose that the CWGC should be informed every time a burial ground operator seeks to extinguish burial rights or reuse a grave, and it should have the power to object to these actions in relation to Commonwealth war graves.

Do consultees agree?

Please select only one item

- Yes
- No
- Don't know

We provisionally propose that the CWGC should be informed every time a burial ground operator seeks to make a further burial above a grave where the person buried died between 4 August 1914 and 31 August 1921, or between 3 September 1939 and 31 December 1947. The CWGC should have the power to object to the reclamation of Commonwealth war graves.

Do consultees agree?

Please select only one item

- Yes
- No
- Don't know

Consultation Question 40.

See paragraph 9.90 of the consultation paper.

We provisionally propose that the CWGC should have the right in respect of compulsorily purchased land to remove remains in Commonwealth war graves and to reinter or cremate them, and to remove any memorials.

Do consultees agree?

Please select only one item

- Yes
- No
- Don't know

Consultation Question 41.

See paragraph 9.92 of the consultation paper.

We invite consultees' views on whether the Ministry of Justice should be required to consult with the Commonwealth War Graves Commission in relation to exhumations of deceased people who died during the periods between 4 August 1914 and 31 August 1921, or between 3 September 1939 and 31 December 1947.

only required for graves recognised as Commonwealth war graves

Consultation Question 42.

See paragraph 9.98 of the consultation paper.

We provisionally propose the following:

1. private burial ground operators should be required to inform the CWGC when they seek to maintain, remove or destroy a tombstone, memorial or other fittings of a grave where the burial was made within the periods between 4 August 1914 and 31 August 1921, or 3 September 1939 and 31 December 1947; and
2. where that grave is a Commonwealth war grave, the CWGC should be granted the right to give or refuse consent to these actions.

Do consultees agree?

Please select only one item

- Yes
- No
- Don't know

Chapter 10: Outline of cremation law

Chapter 10 sets out aspects of the law on cremation. It does not include any provisional proposals or consultation questions.

Chapter 11: The cremation process

Consultation Question 43.

See paragraph 11.22 of the consultation paper.

We invite consultees' views as to whether any new legal requirements at crematoria or burial grounds could help to address the problem of mistaken cremations or burials, and if so, what those requirements could be.

No view.

Consultation Question 44.

See paragraph 11.79 of the consultation paper.

We invite evidence from consultees as to whether, in relation to direct cremation, there are cases where the applicant for cremation will not know which crematorium will be used at the time of application. If there are, we invite consultees' views on whether the cremation forms should be amended to accommodate this practice.

No view.

Consultation Question 45.

See paragraph 11.97 of the consultation paper.

We invite consultees' views on the position in the current law that the rules which govern who can apply for cremation, and collect the ashes, are different from the rules which govern who has the legal right to make decisions about dead bodies. We invite consultees to tell us of their experience of the current law and of any problems that they have encountered as a result.

No experience.

We invite consultees' views as to whether the current law strikes the right balance between certainty as to who can apply and receive the ashes, and flexibility in ensuring that a timely funeral happens.

No experience.

Consultation Question 46.

See paragraph 11.109 of the consultation paper.

We invite consultees' views on which relationships between two deceased people should mean the law permits their bodies to be cremated together, provided both applicants for cremation give their written consent.

No view.

Consultation Question 47.

See paragraph 11.109 of the consultation paper.

We provisionally propose that it should be a requirement that ashes from a cremation should be removed from the cremator before another cremation occurs.

Do consultees agree?

Please select only one item

- Yes
- No
- Don't know

Consultation Question 48.

See paragraph 11.125 of the consultation paper.

We provisionally propose that:

1. neither cremation nor any other irreversible funerary method should be permitted in relation to unidentified bodies or body parts; and
2. before any unidentified bodies or body parts are buried, a DNA sample should be taken for storage on the national central database held by the UK Missing Persons Unit.

Do consultees agree?

Please select only one item

- Yes
- No
- Don't know

Consultation Question 49.

See paragraph 11.151 of the consultation paper.

We provisionally propose that the Department for Health and Social Care should issue new guidance transferring ownership of any pacemakers in relation to which the HN(83)6 consent forms were signed from the NHS to funeral directors.

We provisionally propose that, where any funeral director holds a pacemaker which was removed prior to the new guidance being issued, and where they hold a record linking the pacemaker to a specific deceased person:

1. they must post a notice stating that they hold pacemakers removed from bodies of deceased people prior to cremation, and the date range within which they were removed, and that they intend to dispose of them if they are not claimed. The notice should be placed on their website and visibly at their offices;
2. in order to claim a pacemaker a person should have to provide the funeral director with evidence that they are the deceased person's relative, using the definition used in LACO 1977, or that they were their cohabitant until they died; and
3. three months after the notice is posted, if the pacemakers are not claimed, the funeral director may dispose of them as they see fit.

Do consultees agree?

Please select only one item

- Yes
- No
- Don't know

We provisionally propose that, in circumstances where funeral directors hold a pacemaker but do not hold a record linking it with a specific deceased person, they should be able to dispose of the pacemakers as they see fit without issuing a notice.

Do consultees agree?

Please select only one item

- Yes
- No
- Don't know

Chapter 12: Where cremations can happen

Consultation Question 50.

See paragraph 12.45 of the consultation paper.

We invite consultees' views on whether the rule that a crematorium cannot be constructed within 200 yards of a dwelling house without the agreement of the owner, occupier and lessee, or within 50 yards of a public highway, should be repealed, or retained.

Repeated - should depend on planning rules

If the rule is retained, we invite consultees' views on whether the distance should be measured from the buildings equipped for cremation, and any other buildings or structures ancillary to the process, or from another location.

If the rule is retained, we provisionally propose that the Secretary of State should have to certify a crematorium before it can be used. It should be a requirement for certification to be granted that the plans for the crematorium must have been approved before construction as not breaching the rule.

Do consultees agree?

Please select only one item

- Yes
- No
- Don't know

Consultation Question 51.

See paragraph 12.53 of the consultation paper.

We provisionally propose removing the restriction on constructing a crematorium on the consecrated part of a local authority burial ground.

Do consultees agree?

Please select only one item

- Yes
- No
- Don't know

Chapter 13: The treatment of ashes after collection from crematoria

Consultation Question 52.

See paragraph 13.62 of the consultation paper.

We provisionally propose that, where a funeral director has held ashes for at least four weeks and wishes to return them to the cremation authority:

1. the funeral director must take reasonable steps to contact the applicant for cremation to determine whether they want to collect the ashes, or want the funeral director to return the ashes to the crematorium;
2. if no response is received within four weeks, the funeral director should have the right to return the ashes to the crematorium where the cremation took place;
3. the cremation authority should have a statutory duty to accept the return of the ashes to them by the funeral director; and
4. where ashes have been returned to the crematorium, the existing process for dealing with uncollected ashes should apply.

Do consultees agree?

Please select only one item

- Yes
- No
- Don't know

Consultation Question 53.

See paragraph 13.66 of the consultation paper.

Are consultees aware of legal mechanisms that have been used to try to prevent ash scattering, and if so, do consultees know whether these measures have been effective?

Not aware of such mechanisms.

Consultation Question 54.

See paragraph 13.82 of the consultation paper.

We invite consultees' views on which of the following two options they prefer. Either:

1. option 1: authorisation should be required to remove ash remains from a place of burial when:
 - a. the ashes are likely to be identifiable. This means that they are separable from the earth, and that their identity within a plot of land can be ascertained; and
 - b. those who interred the ashes intended that they should remain identifiable; or
2. option 2: authorisation should be required to remove ash remains from a place of burial when:
 - a. ashes are interred in a container; or
 - b. ashes are interred in land where an exclusive burial right exists.

Please select only one item

- Option 1; or
- Option 2

We invite consultees' views on whether there should be any more circumstances in which authorisation is required to exhume ashes under the second test (that is, "Option 2" above).

Chapter 14: The impact of our provisional proposals

Consultation Question 55.

See paragraph 14.32 of the consultation paper.

We invite consultees' views on:

1. whether there are circumstances or places in England and Wales where it is difficult for people to find a burial space in locations of their choice;
2. whether our provisional proposals in this Consultation Paper would help to address the availability of burial space;
3. what impact our provisional proposals in this Consultation Paper might have on reducing distress to family and friends of deceased people; and
4. whether more comprehensive or frequent collection of data on burial grounds would be of practical value.

1. The cemetery in Alcester is full. Burials are taking place in areas previously designated as pathways.

2. Yes, we believe the proposals will address the availability of burial space.

3. It would be a great disappointment to residents

and cause distress if family members cannot be buried in Alcester due to lack of burial space.

4. we are not convinced that data collection will be of value.

Consultation Question 56.

See paragraph 14.42 of the consultation paper.

We invite evidence from consultees on:

1. their general perception of the affordability of burial and cremation;
2. the contribution that burial costs and burial plot fees make to the costs that families and friends bear when organising a funeral; and
3. the impact that our proposed reforms might have on reducing or increasing these costs.

We have no evidence.

Consultation Question 57.

See paragraph 14.48 of the consultation paper.

We invite evidence from consultees on:

1. the costs and benefits private burial grounds are likely to see as a result of our provisional proposals;
2. the costs and benefits funeral directors are likely to see as a result of our provisional proposals; and
3. any benefits or costs that are likely to arise if the rules on the siting of crematoria were repealed.

No evidence.

Consultation Question 58.

See paragraph 14.54 of the consultation paper.

We invite evidence from consultees on:

1. the scale of any benefits that are likely to accrue to local authorities if they obtain grave reuse and reclamation powers;
2. the likely additional cost of maintaining Church of England churchyards if they are reopened, and the level of fees that would be required in order to mitigate that cost;
3. the cost to Welsh local authorities if maintenance responsibility for Church in Wales churchyards could be transferred under the law; and
4. any impact on local authorities that might arise from repealing the rule on the siting of crematoria.

1. We see grave use and reclamation powers as essential for local authorities to continue to act as burial authority into the future. Important public service to residents which we wish to retain.

Consultation Question 59.

See paragraph 14.59 of the consultation paper.

We invite consultees' views on the potential impact of our provisional proposals on costs to Government, and other operators and owners of burial grounds and crematoria.

There will be cost involved in reclaiming burial space which will require forward planning by local authorities

Please use this space to tell us anything you wish us to know which is not addressed elsewhere in this consultation.

Alcester Town Council has an urgent need to reclaim/reuse burial space. We have previously applied unsuccessfully to the Ministry of Justice for permission to reuse burial space.

Once you have completed your consultation response, we would be grateful if you could complete a short, anonymous survey to help us understand the characteristics of individuals and organisations who have responded. Your answers will be held and analysed separately to your consultation response. The link is [here](https://forms.office.com/Pages/ResponsePage.aspx?id=KEeHxuZx_kGp4S6MNndq2ANkK9TwAFRBnu343TGv-wBURFFONDVFOFIHTVNRmZgxRzMwWVhCTIVBNS4u) <https://forms.office.com/Pages/ResponsePage.aspx?id=KEeHxuZx_kGp4S6MNndq2ANkK9TwAFRBnu343TGv-wBURFFONDVFOFIHTVNRmZgxRzMwWVhCTIVBNS4u> .