
STATUTORY INSTRUMENTS

1986 No. 1782

BURIAL, ENGLAND AND WALES

The Local Authorities' Cemeteries (Amendment) Order 1986

Approved by both Houses of Parliament

<i>Made</i>	- - - -	<i>23rd June 1986</i>
<i>Laid before Parliament</i>		<i>2nd July 1986</i>
<i>Coming into Operation</i>		<i>7th September 1986</i>

The Secretary of State for the Environment, in relation to England, and the Secretary of State for Wales, in relation to Wales, after consultation with associations appearing to them to be representative of local authorities and with other bodies appearing to them to be concerned, in exercise of the powers conferred upon them by section 214(3) and (4) of the Local Government Act 1972 and of all other powers enabling them in that behalf, hereby make the following order:—

Citation and commencement

1. This order may be cited as the Local Authorities' Cemeteries (Amendment) Order 1986 and shall come into operation on the 30th day following the day on which it has been approved by a resolution of each House of Parliament.

Amendments to principal order

2.—(1) The Local Authorities' Cemeteries Order 1977, referred to in this order as “the principal order”, shall be amended in accordance with this article.

(2) There shall be inserted in article 2(2) of the principal order between the definitions of “cemetery” and “consecration” the following definition—

““computer” means any device for storing and processing information;”

(3) For article 11 of the principal order there shall be substituted the following two articles—

“11.—(1) A burial authority shall maintain a register of all burials in a cemetery in a book or books provided for the purpose, or in a computer.

(2) Where the register of burials is maintained in a book—

(a) the book shall be of good and durable paper and be strongly bound and if it is the second or any subsequent book to be provided it shall be numbered accordingly; and

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- (b) the pages in which entries are to be made in any book provided after the coming into operation of this order shall be numbered and shall be printed in columns, including columns headed—

Number/Date of burial/Names in full/Age/Address/Grave or vault number/Other particulars/Signature of person directing or making entry,

and in entry spaces of such uniform depth as the burial authority shall consider sufficient: provided that in a book provided within the 12 months following the coming into operation of this order—

- (i) the headings of any column of a page may be altered in manuscript so as to comply with this sub-paragraph; and
(ii) the column headed “Other particulars” may be omitted.

(3) As soon as is reasonably practical after any burial in the cemetery the officer of the burial authority appointed for that purpose shall, in durable black ink, number an entry space in the book and enter the burial therein.

(4) Where the burial is that of the body of a still-born child or of the cremated remains thereof the words “Still-born child of” and the name of at least one of the parents shall be written in the column headed “Names in full”, the column headed “Age” shall be left blank and the address of the parents or parent shall be written in the column headed “Address”.

(5) Where the burial is the interment of cremated remains the entry shall record that it is such.

(6) Where the burial is the re-interment of disinterred remains the entry shall record that it is such and the previous place of burial.

(7) Subject to paragraphs (4) to (6), the burial shall be entered in accordance with the headings to the columns in the book.

(8) Where the register of burials is maintained in a computer the burial shall be entered in the computer so as to ensure that any document produced by the computer in relation to that burial contains the same information as would have been recorded if the burial had been entered in a book.

(9) A burial authority shall maintain a record of any disinterments in a cemetery made after the coming into operation of this order, showing—

- (a) the date of disinterment;
(b) the number of the grave or vault;
(c) the names, in full, of the person whose remains are disinterred;
(d) the book, page and entry number of the entry of burial or, where the burial was entered in a computer, the number of the entry;
(e) particulars of the authority for disinterment; and
(f) if the remains are re-interred in the same cemetery, the number of the grave and the date of re-interment; or
(g) if the remains are to be re-interred elsewhere or cremated, the place and date of proposed re-interment or cremation.

(10) As soon as is reasonably practical after any disinterment, the officer of the burial authority appointed for the purpose shall complete the record as regards items (a) to (e) and (g) in paragraph (9) and, where the burial was entered in a book, add to the entry in the register of burials, in durable ink of a colour readily distinguishable from black, a reference to such record. As soon as is reasonably practical after a re-interment in the same cemetery, the said officer shall complete the record as regards item (f) in paragraph (9).

(11) The register of burials and record of disinterments shall at all reasonable times be available for consultation by any person free of charge.

11A.—(1) A burial authority may charge such fees as they think proper for the making by them of searches in, and the provision of certified copies of entries in, the register of burials or the record of disinterments.

(2) For the purposes of paragraph (1), a document produced by a computer shall be deemed to be a certified copy of an entry in the register or record if it is accompanied by a certificate signed by a person occupying a responsible position in relation to the operation of the computer—

- (a) identifying the document and describing the manner in which it was produced;
- (b) giving such particulars of any device involved in the production of that document as may be appropriate for the purpose of showing that the document was produced by a computer; and
- (c) stating that—
 - (i) the document was produced by the computer during a period in which the computer was used regularly to store or process information for the purpose of maintaining burial records;
 - (ii) during that period there was regularly supplied to the computer information of the kind contained in the document or of the kind from which the information so contained was derived;
 - (iii) throughout the material part of that period the computer was operating properly or, if not, that any respect in which it was not operating properly or was out of operation during that part of the period was not such as to affect the production of the document or the accuracy of its contents; and
 - (iv) the information contained in the document reproduces or is derived from information supplied to the computer in the ordinary course of activities.”.

(4) In article 12 of the principal order for “article 11(5)” there shall be substituted “article 11(9)”.

23rd June 1986

Nicholas Ridley
Secretary of State for the Environment

23rd June 1986

Nicholas Edwards
Secretary of State for Wales

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EXPLANATORY NOTE

This order amends the Local Authorities' Cemeteries Order 1977 to permit certain burial records to be kept in computers. It provides that a document produced by a computer which is certified as complying with specified conditions is to be a certified copy of an entry in the burial register or the record of disinterments.